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JOURNAL

OF

REGULAR SESSION

OF THE

KENTUCKY SENATE

Begun and Held in the City of
Frankfort, the Sixth day of January,
in the year of Our Lord 1914, and
of the Commonwealth One Hundred
and Twenty

VOL. 2

PROPERTY OF THE STATE OF KENTUCKY



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FRIDAY, MARCH 6, 1914.

The Senate was opened by the Rev. John J. Gravitt, Jr., of the Episcopal Church.

Mr. Robertson moved that the reading of the Journal be dispensed with and the Journal approved.

Said motion was agreed to.

The following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Welch:

S. B. 359. An Act to exempt moneys received by certain Federal and State pensioners.

To the Committee on Rules.

By Mr. Tunis:

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the public.

To the Committee on Rules.

Mr. Coburn, of the Committee on Insurance Companies, to which had been rendered a bill of the following title, viz.:

S. B. 324. An Act to amend section 699, Kentucky Statutes, relating to reinsurance.

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Reported the same with a favorable recommendation.

Mr. Robertson, of the Committee on Municipalities, to which had been referred a bill of the following title, viz.:

H. B. 305. An Act to amend an Act entitled "An Act to amend the school laws and to create boards of education and to define their duties in cities of the first class."

Reported the same with a favorable recommendation.

Mr. Bagby, of the Committee on Game, Fish and Forestry to which had been referred a bill of the following title, viz.:

S. B. 333. An Act to amend an Act entitled "An Act for the protection of game and fish," which became a law March 12, 1912.

Reported the same with an amendment thereto, with a favorable recommendation.

Mr. Ford, of the Committee on Public Utilities, to which had been referred a bill of the following title, viz.:

S. B. 331. An Act to amend an Act, entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

Reported the same with a favorable recommendation.

Mr. Vincent, of the Committee on Congressional Districts

and Reapportionment, to which had been referred a bill of the following title, viz.:

S. B. 354. An Act to repeal charter of the town of Summersville, Green County, Kentucky.

Reported the same with a favorable recommendation.

Mr. Durham, of the Committee on Charitable Institutions, to which had been referred a bill of the following title, viz.:

S. B. 343. An Act to create a commission to inspect Charitable, Religious and Educational Institutions.

S. B. 341. An Act to regulate the sale of methyl alcohol, commonly known as wood alcohol.

Reported same with favorable recommendations.

Mr. Hildreth, of the Committee on Judicial Districts and Reapportionment, to which has been referred a bill of the following title, viz.:

H. B. 192. An Act to change the time of the Circuit Courts in the County of Cumberland in the 29th Judicial District.

Reported the same with a favorable recommendation.

Said bills were severally read at length for the first time and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill of the following title, viz.:

II. B. 27. An Act creating a State Text Book Commission to adopt for use in the common schools of Kentucky a uniform series of text books, regulating the price thereof, defining the powers and duties of said commission, and the method of selection of such text books and their distribution, prescribing penalties for the violation of this Act, and repealing chapter 13, of the Acts of the General Assembly of Kentucky, approved March 15, 1910.

Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a State Text Book Commission to be composed of the following members:

The Governor, who shall be ex-officio chairman of said commission; the Superintendent of Public Instruction, who shall be ex-officio secretary of said commission; one member of the faculty of each of the State Normal Schools at Richmond and Bowling Green; one member of the faculty of the State University, and one educator of high qualifications, actually engaged in educational work, from each of the appellate court districts. All members except the two ex-officio members shall be appointed by the Governor in the month of April, in the year 1914, and every four years thereafter. Said appointive members shall serve for a term of four years from and after their appointment, and any vacancies on said commission shall be filled in the same manner as original membership is determined.

§ 2. Each member of said commission shall qualify by taking and subscribing to an oath faithfully to discharge his duties as required by this law, and the said affidavit shall be filed, in writing, in the office of the Superintendent of Public Instruction.

§ 3. The members of the State Text Book Commission as thus constituted shall meet on the call of the chairman, or on a call signed by a majority of the members, in the office of the chairman, within four weeks after the date of their appointment of the years in which existing contracts expire, and shall organize at the April meeting of said commission. The commission shall elect a secretary, who shall keep complete records of all meetings, and all such records and all contracts shall be signed by the chairman and secretary.

§ 4. The State Text Book Commission shall advertise in one or more daily, or other newspapers, or by written notification to all qualified publishers, as hereinafter provided, that at a time fixed in the notice, and at a place fixed definitely in the notice, sealed bids or proposals will be received from the publishers of school text books for furnishing books to the common schools and the high schools of the State of Kentucky, in accordance with the provisions of this law and such regulations as the commission may prescribe. Such advertisement or notification shall reserve to the commission the right to reject any and all bids.

§ 5. Such bids and proposals shall be for furnishing books during a period of five years, and no longer. The bids shall state specifically the list price, the net contract prices at which books are to be furnished to dealers within a county, and the exchange and retail prices to pupils, and shall be accompanied by a specimen copy of every book proposed to be furnished. All bids shall be sealed and deposited with the chairman of the commission, to be by him delivered to the commission in executive session, when they shall be opened in the presence of the commission. It shall be the duty of the chairman of the commission to carefully preserve in his office for comparison the specimen copy of each of the books adopted, together with the original bid or proposal, and when requested to return to the publishers the specimen copies of other books submitted at their expense.

§ 6. The commission shall have and reserve the right to

reject any and all bids for reasons satisfactory to a majority of the commission. In case of failure to select, from the bids submitted, a satisfactory text book upon any of the branches prescribed by law, the commission shall re-advertise for sealed bids under the same terms and conditions, and proceed with the adoption as in the first instance.

§ 7. It shall be the duty of the said commission in the years in which existing contracts expire, by a majority vote of the entire commission, to adopt from the authorized State list of books submitted, as hereinafter provided, a uniform series or system of text books for use in the common schools and the high schools of the State, except in cities of the first, second, third and fourth classes, and to arrange for the distribution and sale of such books to dealers at the net contract price. The commission may from time to time make any regulations not contrary to the provisions of this Act to secure the prompt and faithful performance of all contracts, and the prompt distribution of the books herein provided for.

§ 8. The provisions of this Act shall not apply to the Boards of Education in cities of the first, second, third and fourth class, but the Act of 1900 regarding cities of the first, third and fourth class, and the Act of 1912 regarding cities of the second class shall be and remain in force unaffected by this Act.

§ 9. The commission, in the selection and adoption of a uniform series of text books for the State, shall consider the merits of the books, taking into consideration their subject matter, the printing, binding, material and mechanical qualities, their general suitability, and desirability for the purposes intended, and the price.

§ 10. The uniform series of text books to be selected by the commission shall include all branches required or that may hereafter be required by law to be taught in the common, elementary and high schools of the State, except as herein provided; and no text book shall contain anything of a partisan, sectional or sectarian character.

§ 11. After the adoption shall have been made the commission shall award the contracts, and shall, by registered letter, notify the bidders to whom contracts may have been awarded. It shall be stipulated in all contracts that the retail prices shall not exceed the retail prices at which the same book or books are sold in any State, county, township or school district in the United States.

§ 12. It shall be the duty of the State Superintendent of Public Instruction to prepare and have printed a form of contract between the State Text Book Commission and the publishers of school books, said form of contract to be approved by the Attorney General, and no other form of contract shall be used by the State Text Book Commission and publishers in carrying out the provisions of this Act.

§ 13. It shall always be a part of the terms and conditions of every contract made in pursuance of this Act, that the Commonwealth of Kentucky shall not be liable to any contractor or book company in any manner whatever, for any sum of money, and all such contractors or book companies shall receive their pay and compensation solely and exclusively from the proceeds of the sale of said books, as provided for in this Act.

§ 14. For the distribution and sale of books adopted by the State Text Book Commission to the patrons of the schools of the State, the County Board of Education, or the City Board of Education, as herein provided, shall appoint two or more responsible merchants or other agents in the counties and cities hereinabove mentioned, of good financial rating, in locations selected with reference to the convenience of the patrons of the schools, as dealers of text books and such dealers shall receive fifteen per cent of the retail price at which the same books are sold and out of the said fifteen per cent of the retail price, at which said books are sold, such dealer shall pay the transportation charges and all other charges on the said books.

Said dealers shall exchange new books for old ones of

the same grade, displaced by said adoption, at the exchange price herein provided for, during the first year of the life of each and every contract made under the provisions of this Act. All bids and proposals shall set out clearly and specifically an exchange price at which such book or books shall be furnished to pupils and patrons who may have old books of the same subject, and which may be exchanged for new books, and the exchange price shall in all cases be subject to the terms of the contract made between the State and any publisher bidding. Such new books as are held in Kentucky now, or at any future adoption, by purchase by dealers, and in good condition shall be taken in exchange at the original net price by successful bidders from such dealers as hold in stock such books.

§ 15. There shall be placed in clear, readable type, on the outside cover of the back of every book sold in the State under the terms of this Act, the retail price and the exchange price of said book, with the following caution to the public, to-wit: "The prices printed hereon are fixed by State contract and any higher prices are unlawful; any deviation therefrom should be reported to your County Superintendent or to the State Text Book Commission at Frankfort."

Any agent or dealer, clerk or other person having or selling books adopted under this Act, who shall ask or receive for any such book more than the lawful price therefor, as herein defined, or who shall refuse to exchange new books for old at the exchange price herein provided for, during the said exchange period, or who shall refuse to receive from patrons or pupils books owned by them that were adopted under such laws as are now in force in the State of Kentucky prior to this Act, and used in the common and high schools of this State and to allow to them the exchange value thereof for such old books in exchange for the corresponding new books of the same grade, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than one hun-

dred dollars nor more than one thousand dollars, and such fine shall be covered into the school fund of the county in which same is assessed. And this section shall apply to all future State adoptions of text books in Kentucky, as herein provided under this Act.

§ 16. On or before the first day of August of each year it shall be the duty of the State Board of Education to have printed a complete list of all the books adopted under the provisions of this Act, stating the net contract price, the exchange and the retail price of each, and to distribute such lists to county superintendents in such quantity as they may request. It shall be the duty of the county superintendent in each county to furnish such lists to all dealers and to the principal teachers of all schools in the county, and such dealers and teachers shall post the same conspicuously in their sales rooms or school houses. Failure to comply with the provisions of this section by any of the parties herein named shall be punishable by a fine of not less than ten dollars nor more than twenty dollars, and upon conviction said fine shall be covered into the school fund of the county in which such fine is assessed.

§ 17. The books adopted by the commission as the uniform system of text books for the State, shall be introduced and used as text books to the exclusion of all others in all the common schools and high schools of the State, except as herein provided, for a period of five years from the date of adoption, and it shall not be lawful for any teacher or other school officer to use or for any board of education to permit to be used, any books upon the same branches other than those adopted by the commission. However, nothing herein shall prevent the use of supplementary text books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act. Any member or members of any board of education, any trustee or teacher, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction be

punished by a fine of not less than ten dollars nor more than fifty dollars, and all such fines shall be covered into the treasury to the credit of the school fund of the county in which such fine may be assessed.

§ 18. Before the publishers of any school text books shall offer or submit bids or proposals to the State Text Book Commission for furnishing books to the common schools of the State, such publisher or publishers shall file a copy of the text book in the office of the State Superintendent of Public Instruction, with a sworn statement of the lowest net price at which said book is sold anywhere in the United States. Said publisher shall file with the State Superintendent of Public Instruction, as chairman of the State Text Book Commission, a written agreement to furnish said book or books to the dealers in the State, as hereinbefore provided, at the prices so filed, exclusive of transportation charges. Said publisher must further agree to reduce said prices in Kentucky if reductions are made elsewhere in the United States, so that at no time may any book be sold in Kentucky by the contractor at a higher net price than is received for the same book elsewhere. Said publisher shall agree further that at all books offered for sale in Kentucky shall be equal in quality to those deposited in the office of the State Superintendent of Public Instruction, as regards paper, binding, printing, illustrations and all points that may affect the value of said books.

§ 19. If any publisher shall furnish to any dealer or agent in this State any book or books inferior in any particular to the samples on file in the office of the State Superintendent of Public Instruction, or shall offer them at higher prices than those listed with the State Superintendent of Public Instruction, it shall become the duty of the State Board of Education of the State of Kentucky to authorize the State Superintendent of Public Instruction to investigate the failure of said publisher to comply with the terms of his contract. The State Superintendent shall thereupon notify the publisher of said non-compliance with the terms of his contract, and if

said publisher shall disregard the notification and fail immediately to comply with the terms of his contract with the State through the State Text Book Commission, then the State Superintendent shall institute, through the Attorney General of the State, legal proceedings and prosecutions to recover damages and proper relief on the bond of the said publisher.

§ 20. When the publisher of any school text book or books shall offer the same for the purpose of submitting bids and proposals to furnish same to the schools of Kentucky, as herein provided, to the State Text Book Commission, and at the time of filing such text book in the office of the State Superintendent of Public Instruction, said publisher shall pay into the treasury of the State of Kentucky a filing fee of five dollars for each book offered by said publisher; provided, that when a series of books by the same author and upon the same subject, is offered for adoption, the publisher may file a fee of five dollars for the first book and one dollar for each additional book in said series, and where such series embraces both common and high school text books, it shall be regarded as two series. The fees thus received shall constitute a fund out of which, upon requisition made by the State Superintendent of Public Instruction, shall be paid the expenses of publishing lists and other information for the use of the State Text Book Commission, clerk hire and other necessary expenses in connection with the filing of all text books submitted for adoption in the State of Kentucky, and further, for defraying the actual necessary traveling expenses of those members of the State Text Book Commission who do not now draw salaries or derive other emoluments as officials of the State. If there should be any balance of such fund remaining upon the first day of January of the fifth year following the completion of the adoption of text books, it shall be placed to the credit of the State school fund.

§ 21. When any publisher of school text books shall file with the State Superintendent of Public Instruction samples and lists provided for under this Act, said publisher at the

same time shall be required to file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher, with the effect, design or intent to control the prices of such books, or to restrict competition in the adoption or sale thereof.

§ 22. If at any time a publisher shall enter into any understanding, agreement or combination to control the prices, or to restrict competition in the adoption or sale of school text books, or if the statement required of said purchaser in the preceding sections shall be untrue in any respect, then the Attorney General shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher, and for the revocation of his authority to sell school books in the State of Kentucky, and all contracts made by said publisher under this Act shall thereupon become null and void, at the option of the State Board of Education.

§ 23. Any firm or corporation publishing text books and qualified to sell text books under this Act in the State of Kentucky, under contract made with the State Text Book Commission, who shall directly or indirectly contribute any money or thing of value whatever to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for office in this State, or in any district, city or county thereof, or to the campaign fund of any person who is a candidate for nomination for office in this State, or in any district, county or city thereof, or shall give any money or valuable property whatsoever to any member of the State Text Book Commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five thousand dollars nor more than twenty thousand dollars, in the discretion of the jury, and such act on the part of said firm, corporation or publisher, or any agent thereof, shall also be considered a breach of the bond made by said firm, corporation or publisher, with the State, and the venue of the action shall be within any county in the State

wherein said act was committed, or in the Franklin Circuit Court, and the State Board of Education or any member of the State Text Book Commission, or any citizen of the State of Kentucky, in any county where the offense is committed, shall have the right to prosecute by legal process an action for the breach of said bond, and the amount so recovered for such fines and for such breach shall be turned over to the Treasury of Kentucky for the benefit of the State school fund.

§ 24. Any member of the State Text Book Commission who shall solicit, accept or receive any money, gift or any other property of value, or favor whatsoever, for any person, firm, corporation or publisher qualified to sell text books in Kentucky, or from any agent thereof, or any other person in any way interested in the sale of text books, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment; and such fine shall be turned over to the Treasury of the State of Kentucky for the benefit of the school fund of the State.

§ 25. Any teacher or educator in the employment of any book company, or publisher of school books, who shall either directly or indirectly use his influence or attempts to influence the State Text Book Commission or any member thereof, for the adoption of any book or books shall be guilty of a misdemeanor and upon conviction, shall be fined not less than one hundred dollars or more than five hundred dollars unless he shall have registered with the chairman of the State School Book Commission stating whether or not he has been employed by any school book company or publisher of school books, if so with what company and the terms and conditions of his employment.

§ 26. The State Text Book Commission shall have authority, after having examined thoroughly all books submitted for adoption, to go into executive session and exclude all agents of all publishers, after a date set by said commission,

from further interviews and representations, and it shall be a misdemeanor, after such date has been declared, for the agent of any publisher, or for any person or agent whatever, representing such publisher, to be present in any such executive sessions, and upon being found guilty, such agent, person or publisher shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment; and all such fines shall be covered into the Treasury of Kentucky for the benefit of the State school fund.

§ 27. To insure compliance with the aforesaid conditions under which school text books may be sold in the State of Kentucky, the publisher shall file with the State Board of Education of Kentucky a bond of not less than ten thousand dollars nor more than fifty thousand dollars, the amount to be fixed by the State Board of Education upon compliance with the provisions of the preceding sections, and the bond to be approved by the said board. The publisher shall thereupon be qualified to sell books as herein provided in this Act, in the State of Kentucky.

§ 28. Any publisher who shall offer for adoption to the State Text Book Commission any school text books of any kind, without first qualifying therefor under the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars nor more than five thousand dollars, and such fine shall be covered into the Treasury of the State of Kentucky for the benefit of the State school fund.

§ 29. Inasmuch as the present adoption of text books expires during the present year, and the adoption to be made under this Act must be made in time to be effective at the opening of schools during the month of July, next, and to extend over a period of five years therefrom, an emergency is hereby declared to exist, and this Act shall take effect and

be in force from and after its passage and approval by the Governor.

§ 30. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Hiles proposed the following amendments:

Amend section 11, line 4, by striking out the word “retail” and substituting therefor the words “net contract.”

Amend section 14, lines 8 and 9, by striking out the word “retail” and substituting the word “net contract.”

Mr. Welch proposed the following amendment.

Amend section 7, line 6, by adding the word “fifth” after the word “fourth” and before the word “classes.”

Said amendments were disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

T. F. Bagby
W. J. Bale
W. W. Booles

Hiram M. Brock
Nim. R. Cobern
John H. Durham

John F. Ford
W. A. Frost
Seldon R. Glenn

Webster Helm	H. G. Overstreet	J. T. Tunis
J. B. Hiles	J. F. Porter	Mitchell Vincent
C. Holman	Dr. H. G. Sanders	W. F. Welch
S. L. Marshall	M. O. Scott	J. H. Williams
W. B. Moody	Robert H. Scott	J. R. Zimmerman
T. J. Moore	G. G. Speer	—26

Those voting in the negative were—

Charles Arnett	D. H. Hildreth	C. F. Montgomery
J. Will Clay	Hite Huffaker	Sam. L. Robertson
Walker C. Hall	Chas. H. Knight	—8

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the special orders of the day a bill of the following title, viz.:

S. B. 217. An Act authorizing the commissioners of the Sinking Fund of Kentucky to sell and convey the house and ground known as the Governor's old mansion, and appropriating money to complete and furnish the Governor's new mansion.

The Senate then took up said bill for consideration.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund of Kentucky are authorized and empowered to sell and convey that certain house and lot of ground located in the city of Frankfort, Franklin County, Kentucky, which is bound by High Street, Clinton Street, Ann Street and Jillson's Alley, and is known as the Governor's Old Mansion. Said Commissioners of the Sinking Fund of Kentucky will cause said sale to be made at public auction after the same has been duly advertised for at least fifteen days. Before making said sale they will cause said ground to be laid off into separate lots, and they will first offer said lots for sale separately, and then they will offer the property as a whole, and they will accept the highest and best bid; provided, however, that said Commissioners of the Sinking Fund of Kentucky shall have the right to reject any and all bids in the event they should be of the opinion that the property has not brought a fair price. The said Commissioners of the Sinking Fund of Kentucky shall make said sale on the following terms: One-third cash, one-third in six months with interest from date of sale, and one-third in twelve months with interest from date of sale; but they shall have the right to accept the full amount of the purchase price in cash if the purchaser desires to make such payment. A lien shall be retained on said property to secure the deferred payments.

§ 2. The money derived from the sale of said property shall be paid into the State treasury, and there is appropriated out of the money realized from the sale of said property, or any other money in the treasury not otherwise appropriated, the sum of \$19,902.40 for the purpose of paying the outstanding obligations necessary to complete and furnish the Governor's New Mansion, and the Auditor of Public Accounts, will on the order of the Commissioners of the Sinking Fund, draw his warrant on the State Treasurer in favor of those persons holding obligations for work, labor, material and furnishing the Governor's New Mansion.

§ 3. The Governor of the Commonwealth of Kentucky has moved from the property herein directed to be sold and conveyed to the Governor's New Mansion, which leaves the Governor's Old Mansion unoccupied. Therefore, an emergency is declared to exist, and this act shall take effect as soon as the same is passed and approved by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows:

Those who voted in the affirmative were—

Charles Arnett	Seldon R. Glenn	H. G. Overstreet
T. F. Bagby	Walker C. Hall	Dr. H. G. Sanders
W. J. Bale	J. B. Hiles	M. O. Scott
W. W. Booles	D. H. Hildreth	Robert H. Scott
Joe F. Bosworth	Hite Huffaker	Mitchell Vincent
J. Will Clay	Chas. H. Knight	J. T. Tunis
Nim. R. Cobern	S. L. Marshall	J. R. Zimmerman
John F. Ford	C. F. Montgomery	
W. A. Frost	W. B. Moody	—25

Resolved, That the title of said bill be as aforesaid.

Mr. Hiles moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

H. B. 295. An Act to provide for the uniform accounting and inspecting of the public offices of this Commonwealth.

The Senate then took up said bill for consideration.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund of Kentucky, composed of the Governor, the Attorney General, the Auditor of Public Accounts, the Treasurer and the Secretary of State, shall formulate and install a uniform system of accounting and reporting on the receipts, use and handling of all public funds due and payable to the Commonwealth of Kentucky, and the distribution thereof to the public officials, the institutions, firms, corporations and individuals entitled thereto, and for each county thereof. The system so adopted shall require each department of the State government, and each official who receives or expends any of the public funds, to keep an account of the receipts and expenditures of their respective departments, so as to show a daily balance of the receipts and disbursements of that department, and said system shall be so constructed that the Auditor of Public Accounts and the State Treasurer will each keep a book or books showing a daily balance of the receipts and disbursements of all public moneys, and said system shall be so constructed that all officials charged with the collection or disbursement of public money may be required to report annually to the Commissioners of the Sinking Fund the total receipts and expenditures of each department.

The system so adopted by said Commission shall be put

in operation beginning with the first day of July, 1914, or as soon thereafter as practical.

2. The Commissioners of the Sinking Fund of Kentucky are authorized to employ an expert, and such other assistants as may be necessary, to devise the proper uniform system of accounting, and to prepare books, reports and blanks to be used by all the officials who are charged with the duty of collecting and receiving public money for the Commonwealth of Kentucky. Should said Commission employ such expert or assistants, they will enter into a written contract with the persons so employed, which contract shall set forth the duties to be performed by the person, the amount to be paid for the service, and a copy of said contract shall be filed in the office of the Secretary of State as a public record, and the Auditor of Public Accounts is directed to pay the compensation due said expert, and the other expenses incident to the preparation and adoption of the system upon the order of the Commissioners of the Sinking Fund.

§ 3. When the Commissioners of the sinking fund shall have agreed upon and adopted a system of uniform accounting, as required by this Act, they shall cause to be prepared and printed all books, blanks and receipts necessary to install said system of uniform accounting, and will deliver to the officers charged with the duty of collecting and disbursing public moneys, such of the books, blanks and receipts as may be necessary for the use of such official, and such official shall from and after July 1, 1914, or when directed by said Commission use said books, blanks, receipts and reports so adopted by said Commission, and no other. If any official shall refuse to use any book, blank, receipt or report so adopted, or to make any report required by the Commission, such official shall be deemed guilty of a misdemeanor and be subject to indictment, and upon conviction, he shall be fined in any sum not less than twenty-five nor more than five hundred dollars for each offense.

§ 4. When the Commissioners of the sinking fund shall

have adopted the books, blanks and forms to be used by the different officials, they shall require the public printer to prepare such books under the existing contract with the Commonwealth of Kentucky, and the cost thereof will be paid by the Auditor of Public Accounts as other public printing is now paid, and such books, blanks and forms for county offices and officials shall be procured and supplied as now provided by law for such supplies.

§ 5. All officials authorized to collect money for the Commonwealth of Kentucky, shall, on the last day of each month, report to the Auditor and pay into the State Treasury all the funds on hand.

§ 6. The Commissioners of the Sinking Fund, may from time to time change the books, blanks, forms and system so adopted by them when, in their opinion, a change is necessary in order to conform to existing conditions.

§ 7. All laws and parts of laws in conflict with this Act are hereby repealed.

§ 8. In order to enable the Commissioners of the Sinking Fund to properly consider and devise a system of public accounting to be installed on July 1, 1914, an emergency is declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	H. G. Overstreet
Charles Arnett	Walker C. Hall	R. M. Salmon
W. J. Bale	Webster Helm	Dr. H. G. Sanders
W. W. Booles	J. B. Hiles	Robert H. Scott
Joe F. Bosworth	D. H. Hildreth	G. G. Speer
Hiram M. Brock	Hite Huffaker	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
Nim. R. Cobern	S. L. Marshall	W. F. Welch
John H. Durham	C. F. Montgomery	J. H. Williams
John F. Ford	W. B. Moody	J. R. Zimmerman
W. A. Frost	T. J. Moore	—32

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

S. B. 25. An Act to repeal section 950, Kentucky Statutes.

The Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No appeal shall be taken to the Court of Appeals as a matter of right from a judgment for the recovery of money or real or personal property, or any interest therein,

or to enforce any lien thereon, if the value in controversy be less than five hundred dollars, exclusive of interest and costs; nor to reverse a judgment granting a divorce, or punishing contempt; nor from any order or judgment of the county court, except in actions for the division of land and allotment of dower; nor from any order or judgment of the quarterly, city, police, fiscal or justices' court, nor from a bond having the force of a judgment. In all other civil cases the Court of Appeals shall have appellate jurisdiction over the final orders and judgments of the circuit courts: Provided, however, that the Court of Appeals may grant an appeal when it is satisfied from an examination of the record that the ends of justice require that the judgment appealed from should be reversed; or when the construction or validity of a statute or the construction of a section of the Constitution is necessarily and directly put in issue, and a correct decision of the case cannot be had without passing on the validity of the statute or construing the section of the Constitution or statute involved, if the value of the amount or thing in controversy, exclusive of interest and costs, is as much as two hundred dollars.

§ 2. When the judgment appealed from does not, when construed in connection with the pleadings, certainly fix the value of the amount or thing in controversy, the court shall, upon the request of either party, state in the judgment the actual value in controversy, and this valuation shall be conclusive of the amount in controversy for the purpose of appeal.

§ 3. When the amount in controversy is as much as two hundred dollars, exclusive of interest and costs, and less than five hundred dollars, a party desiring to prosecute an appeal may do so upon paying the tax and filing the record in the Clerk's office of the Court of Appeals in the time and manner provided in other like cases, and entering a motion that the appeal be granted. If the court decides, after an examination of the record, that the appeal should not be granted, the motion shall be overruled without a written opinion.

The Committee on Judiciary proposed the following amendment:

Amend Senate Bill No. 25, by striking out the word "real" in line three of section one, and by beginning said section with the following words:

"An appeal may be taken to the Court of Appeals as a matter of right from the judgment of the Circuit Court in all cases in which the title to land or the right to an easement therein, or the right to enforce a statutory lien hereon is directly involved, but."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John F. Ford	W. B. Moody
Charles Arnett	W. A. Frost	H. G. Overstreet
T. F. Bagby	Seldon R. Glenn	R. M. Salmon
W. J. Bale	Walker C. Hall	Robert H. Scott
W. W. Booles	Webster Helm	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	C. Holman	Mitchell Vincent
J. Will Clay	Hite Huffaker	W. F. Welch
Nim. R. Cobern	Chas. H. Knight	J. H. Williams
John H. Durham	S. L. Marshall	

Those voting in the negative were—

J. B. Hiles	Sam. L. Robertson	J. R. Zimmerman	
C. F. Montgomery			—4

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, by unanimous consent, called from the orders of the day S. B. 76.

The Senate then took up said bill for consideration.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, It is proposed that the Federal Government establish in the high mountain regions of Kentucky and adjacent States a national forest reserve, which will perpetuate these forests and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and whereas, a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose, the General Assembly of Kentucky do enact:

§ 1. That the consent of the State of Kentucky be, and is hereby, given to the acquisition by the United States, by purchase or gift or by condemnation according to the law, of such lands in the mountain region of Kentucky as in the opinion of the Federal Government may be needed to the es-

tablishment of such a national forest reserve in that region: Provided, That the State shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such original process as may issue under the authority of the State against any person charged with the commission of any crime without or within said jurisdiction, may be executed in like manner as if this act had not been passed: And provided, That in all condemnation proceedings the rights of the Federal Government shall be limited to the specific objects set forth by the laws of the United States in regard to forest reserves.

§ 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinbefore provided, for incorporation in said national forest reserves, of such mountain lands lying in Kentucky as in the opinion of the Federal Government may be needed for this purpose.

§ 3. Power is hereby conferred upon Congress to pass such laws and to make, or provide for the making of such rules and regulations, of both civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the management, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this Act.

§ 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Robert Antle	W. A. Frost	H. G. Overstreet
T. F. Bagby	Seldon R. Glenn	Sam. L. Robertson
W. J. Bale	Walker C. Hall	R. M. Salmon
W. W. Booles	J. B. Hiles	Dr. H. G. Sanders
Joe F. Bosworth	D. H. Hildreth	M. O. Scott
Hiram M. Brock	C. Holman	Robert H. Scott
J. Will Clay	Hite Huffaker	G. G. Speer
Nim. R. Cobern	Chas. H. Knight	J. T. Tunis
John H. Durham	S. L. Marshall	W. F. Welch
John F. Ford	W. B. Moody	J. H. Williams

—30

There voted in the negative—

Mitchell Vincent

—1

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered, and that that motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the calendar bills of the following titles, viz.:

S. B. 80. An Act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contributions and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

H. B. 494. An Act to amend and re-enact article 1, chapter 52 of the Kentucky Statutes, Edition 1909, being section 1833 to 1851 inclusive, entitled, "Fiscal Courts," as amended by an Act entitled "An Act to amend section 1850 of the Kentucky Statutes, Edition 1909," being chapter 116 of Acts of 1910.

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

The constitutional provision as to the second reading of said bills at length being dispensed with, they were severally read by their titles and ordered placed in the orders of the day.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

S. B. 179. An Act to amend section 2 of an Act entitled "An Act to provide for the investigation of fire in the Commonwealth and to provide for the appointment of a Fire Marshall of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

The Senate then took up said bill for consideration.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act entitled "An Act to provide for the investigation of fires in the Commonwealth of

Kentucky and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistants to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in the investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved by the Governor of the Commonwealth of Kentucky on March 11, 1912, and is now Chapter 18 of the Acts of 1912, as amended by adding to said Section 2 of said act the following words:

"The Fire Marshal shall make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gun powder, dynamite, crude petroleum or any of its products, explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, including fireworks and fire crackers, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. The Fire Marshal, his deputies or assistants, upon the complaint of any person, or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any deputy or assistant to the Fire Marshal, such owner or occupant may, within twenty-four hours, appeal to the State Fire Marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his

authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal. Provided, however, that any such owner or occupant, who feels himself aggrieved by any such order, or affirmed order, may, within five days after the making or affirming of any such order by the fire Marshal, file his petition with the county court of the proper county, praying a review of such order, and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require, and such decision shall be subject to appeal.

“Such parties so appealing to the county court shall file with said court within two days a bond in an amount to be fixed by the court, in no case less than one hundred dollars, with at least two sufficient sureties, to be approved by the court, conditioned to pay all the costs on such appeal in case such appellant fails to sustain his appeal or the same be dismissed for any cause.

“If any person fail to comply with the order of any officer under this section, or with the order as modified on appeals herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be, at the expense of such person, and if such person, within thirty days thereafter, fail, neglect or refuse to pay said officer the expense thereby incurred by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said building was located for said expense, together with a penalty of twenty-five per cent.

“Any owner or occupant failing to comply with such order within thirty days after said appeal shall have been determined or if no appeal is taken, then within thirty days after the service of the said order, or within the time fixed in said order, shall be liable to a penalty of not less than ten dollars

nor more than fifty dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises, or by mailing such copy to the occupant's last known postoffice address; whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known postoffice address.

"The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the Commonwealth, under the direction of the Fire Marshal or any of his deputies or assistants herein designated, by the Commonwealth or County Attorney of the county where such property is located or by an attorney specially designated therefor by the Attorney General.

"It shall be the duty of the Fire Marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire-drill each month; to keep all doors and exits unlocked during school hours; and to teach at least one lesson each week during the school session upon the subject of fire prevention."

So that said section of said act when so amended shall read as follows: .

"It shall be the duty of the Insurance Commissioner, Fire Marshal and his assistants to examine or cause examination to be made into the cause, circumstances and origin of all fires occurring within the State to which his attention has been called and to any conditions that would be likely to cause fire, in accordance with the provisions of said Section 1 of this act,

or by interested parties, by which property is or is likely to be accidentally or unlawfully burned, destroyed or damaged, whenever in his judgment the evidence is sufficient, and to investigate all cases, whether the fire or the condition was or is the result of carelessness or the act of an incendiary. The said Insurance Commissioner, the Fire Marshal or his assistants may fully investigate all circumstances surrounding said fire or conditions, and when, in his opinion, said proceedings are necessary, take, or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts, or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if any party be under suspicion or charged with the crime of arson, he may be represented in person and by an attorney at the examination of any and all witnesses, and if the officer making the examination shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or other willful burning, he shall cause such person to be arrested and charged with such offense, prosecuted and bound over to the circuit court; and the county attorney of the county in which the fire occurred shall attend and assist in the examination of witnesses when requested by the officer making the examination, and shall receive for his services \$10.00 in each case investigated, where he is present, attends the investigation and examines the witnesses, to be paid out of the fire tax fund as other moneys are paid from said fund. All evidence taken, with names of the witnesses and all information obtained by the officer making the examination, including copy of all pertinent and material testimony taken in the case, shall be furnished to the Commonwealth's Attorney of the district in which said investigation is made.

“The Fire Marshal shall make regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gun powder, dynamite, crude petroleum or any of its

products, explosive or inflammable fluids or compounds, tablets, torpedoes or any explosive of a like nature, or any explosives, including fireworks and fire crackers, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. The Fire Marshal, his deputies or assistants, upon the complaint of any person, or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any deputy or assistant to the Fire Marshal, such owner or occupant may, within twenty-four hours, appeal to the State Fire Marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal. Provided, however, that any such owner or occupant, who feels himself aggrieved by any such order, or affirmed order, may, within five days after the making or affirming of any such order by the Fire Marshal, file his petition with the county court of the proper county, praying a review of such order, and it shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require, and such decision shall be subject to appeal.

“Such parties so appealing to the county court shall file with said court within two days a bond in an amount to be fixed by the court, in no case less than one hundred dollars,

with at least two sufficient sureties, to be approved by the court, conditioned to pay all the costs on such appeal in case such appellant fails to sustain his appeal or the same be dismissed for any cause.

“If any person fail to comply with the order of any officer under this section, or with the order as modified on appeals herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied as the case may be, at the expense of such person, and if such person within thirty days thereafter, fail, neglect, or refuse to pay said officer the expense thereby incurred by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said building was located for said expense, together with a penalty of twenty-five per cent.

“Any owner or occupant failing to comply with such order within thirty days after said appeal shall have been determined, or, if no appeal is taken, then within thirty days after the service of the said order, or within the time fixed in said order, shall be liable to a penalty of not less than ten dollars nor more than fifty dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises, or by mailing such copy to the occupant's last known postoffice address; whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known postoffice address.

“The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the Commonwealth, under the direction of the Fire Marshal or any of his deputies or assistants herein designated, by the Commonwealth or County Attorney of the county where such property is located or by an attorney specially designated therefor by the Attorney General.

“It shall be the duty of the Fire Marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire-drill each month; to keep all doors and exits unlocked during school hours, and to teach at least one lesson each week during the school session upon the subject of fire prevention.”

The Committee on Insurance Companies proposed the following amendments, viz.:

Amend by striking out in line 49 (forty-nine) the words “Together with a penalty of 25% (twenty-five per cent),” which words follow immediately after the word “Expense” in line 49 (forty-nine) and continue to line 50 (fifty) of the printed bill. Further amend by striking out the following words in line 163 (one hundred and sixty-three), “together with a penalty of 25% (twenty-five per cent),” which words follow immediately after the word “Expense” in line (163) one hundred and sixty-three, and continue in line (164) one hundred and sixty-four of the printed bill.

Said amendment was agreed to.

Mr. M. O. Scott proposed the following amendment, viz.:

Amend Senate Bill 179 by striking out the words “24 hours” in lines 31 and 135 and inserting in lieu thereof the words “five days.”

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken upon the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows:

Those who voted in the affirmative were—

T. F. Bagby	Seldon R. Glenn	H. G. Overstreet
W. J. Bale	Walker C. Hall	Sam. L. Robertson
W. W. Booles	Webster Helm	R. M. Salmon
Joe F. Bosworth	D. H. Hildreth	M. O. Scott
J. Will Clay	C. Holman	G. G. Speer
John H. Durham	Hite Huffaker	Mitchell Vincent
John F. Ford	Chas. H. Knight	—20

Those who voted in the negative were—

Robert Antle	S. L. Marshall	W. F. Welch
Charles Arnett	W. B. Moody	J. R. Zimmerman
W. A. Frost	J. F. Porter	
J. B. Hiles	J. T. Tunis	—10

Resolved, that the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, by unanimous consent, called from the orlers of the day a bill of the following title, viz.:

S. B. 55. An Act to repeal an Act appropriating money for the Department of Agriculture, Labor and Statistics, and re-enacting the same.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 1, 2 and 3 of an Act, entitled an Act, for the benefit of the Department of Agriculture, Labor and Statistics, Chapter 19, Acts 1912, be and the same is hereby repealed, and in lieu thereof the following is enacted:

§ 2. That the sum of five thousand dollars is hereby set aside and appropriatel out of the treasury of this State for the Department of Agriculture, Labor and Statistics, to be specifically used and paid out for the purpose of encouraging corn clubs, horticulture clubs, poultry clubs, and other organizations among school children of the State, so as to increase the interest in the subject of agriculture within the Commonwealth, and said sum shall not be expended for any other purpose, unless a remainder shall be left over from any year, then, in that event, same shall revert to the general expense fund.

Mr. Williams moved that further consideration of said bill be indefinitely postponed.

Said motion was agreed to.

Mr. Hall moved that the Senate do now take a recess.

Said motion was agreed to.

After a time the Senate reconvened.

The following pair was announced on Senate Bill 48: Mr. Welch with Mr. Vincent. Mr. Vincent, if present, would vote in the affirmative and Mr. Welch, if present, would vote in the negative.

Mr. Durham moved that when the Senate adjourns to-day it be to meet on Monday, March 9, at 1 o'clock, p. m.

And the question being taken thereon, was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and Hiles were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Nim. R. Cobern	T. J. Moore
T. F. Bagby	John H. Durham	Sam. L. Robertson
W. W. Booles	John F. Ford	R. M. Salmon
Joe F. Bosworth	D. H. Hildreth	Mitchell Vincent
Hiram M. Brock	Hite Huffaker	W. F. Welch
J. Will Clay	Chas. H. Knight	—17

Those who voted in the negative were—

Charles Arnett	C. F. Montgomery	G. G. Speer
Seldon R. Glenn	W. B. Moody	J. T. Tunis
Webster Helm	H. G. Overstreet	J. H. Williams
J. B. Hiles	M. O. Scott	J. R. Zimmerman
S. L. Marshall	Robert H. Scott	—14

Mr. Knight moved that the vote by which the Senate had agreed to said motion be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Glenn moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Speer moved that the Senate do now adjourn.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Speer and Montgomery, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	T. J. Moore	G. G. Speer
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Those who voted in the negative were—

Charles Arnett	Seldon R. Glenn	R. M. Salmon
T. F. Bagby	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	M. O. Scott
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	Hite Huffaker	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
Nim. R. Cobern	S. L. Marshall	J. H. Williams
John H. Durham	C. F. Montgomery	J. R. Zimmerman
John F. Ford	W. B. Moody	
W. A. Frost	H. G. Overstreet	

—28

Mr. Hall moved that the rules be suspended and that he be permitted to introduce a bill.

And the question being taken thereon it was decided in the negative.

A message was received from the House of Representatives announcing that it had passed a bill, which originated in the Senate, with an amendment thereto, by way of a substitute therefor, of the following title, viz.:

S. B. 84. An Act to amend and re-enact section 579 and section 584, Kentucky Statutes, Carroll's Edition 1909. So that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

Mr. Hall moved that the rules be suspended and the Senate take up said bill for consideration, with the amendment proposed by the House of Representatives.

Said motion was agreed to.

The Senate then took up said bill for consideration.

(For title see above.)

(For said bill see Journal of February 18, 1914.)

The amendment proposed by the House of Representatives is as follows, viz.:

Resolved, That S. B. 84 do pass as amended by way of substitute therefor, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any bank or trust company organized under the laws of this Commonwealth may substitute for and own stock of the Federal Reserve Bank within the Federal reserve dis-

trict where such bank or trust company is located and may take any steps necessary to become a member of such Federal Reserve Bank.

§ 2. Section forty-seven of an Act entitled "An Act providing for the creation and regulation of private corporations," which became a law on April fifth, Eighteen Hundred and Ninety-three, and which, as heretofore amended, has become and now is section 584, Kentucky Statutes, Carroll's 1909 Edition, is hereby repealed, and in lieu thereof shall be inserted and is hereby enacted the following section:

"Section 584. DEPOSITS—AMOUNT TO BE KEPT ON HAND—DEMAND AND TIME DEPOSITS DEFINED. Each bank and trust company, organized under the laws of this Commonwealth and authorized by law to receive deposits shall keep on hand, at all times, at least twelve per cent of its total demand deposits and five per cent of its total time and savings deposits; and, in cities which are reserve or central reserve cities, under the Act of Congress of December 23, 1913, known as the Federal Reserve Act, at least fifteen per cent of its total time and savings deposits; one-third of which reserve shall be in money and the remainder may be in balances due from other banks and subject to call. Demand deposits, within the meaning of this section, shall comprise all deposits payable within thirty days, and time deposits shall compromise all deposits payable after thirty days and are subject to not less than thirty days' notice before payment. Nothing in this section shall be construed as authorizing to receive deposits or do a banking business any institution not authorized to do so by other provisions of law."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	Sam. L. Robertson
T. F. Bagby	Walker C. Hall	R. M. Salmon
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	Hite Huffaker	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
Nim. R. Cobern	S. L. Marshall	W. F. Welch
John H. Durham	W. B. Moody	J. H. Williams
John F. Ford	T. J. Moore	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	—29

Resolved, That the title of said bill be as aforesaid.

Mr. Hall moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

S. B. 29. An Act to regulate the catching of shells and to conserve the mussel shell beds belonging to Kentucky.

The Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Whereas, the mussel shell beds of Kentucky are in danger of being destroyed under the present system of catching shells, and

Whereas, The mussel shell industry can be made a profitable one to those engaged in it, a source of revenue to the Commonwealth, and the mussel shell beds be preserved under proper protection to the beds and proper regulation in the catching of the shells, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to catch mussel shells belonging to Kentucky, except by lease or contract, as hereafter provided.

§ 2. The Auditor of Public Accounts shall have the authority to make leases, under the provisions of this Act, of the territory, or any portion thereof, containing such mussel beds, from one to fifteen years, as the Auditor in his judgment may deem best for the protection of the industry.

§ 3. It shall be unlawful for any leaseholder or his employees, in catching shells, to work more than four boats per mile on any shell bed, or to take from any bed more than sixty tons of shell per mile of the river's length, and proportionately for beds of less than a mile in length, in any one year, and it shall be unlawful to take shells from the river bed by dredging or by the use of tongs or by the use of any device or instrument other than what is known as the "shell hook;" provided that it shall be lawful to catch them with the hands. It shall likewise be unlawful to catch shells from the river bed when there is more than twenty feet of water on the nearest government gauge.

§ 4. Each holder of a lease shall be required to execute bond with approved surety, in such sum as the Auditor may

require, to the Commonwealth of Kentucky for the faithful compliance of his contract under the provisions of this Act.

§ 5. The leaseholder shall make a sworn report monthly to the Auditor setting out in detail the various shipments of shell made during the month, and the number of tons of each, and the aggregate number of tons shipped during the month, and shall attach thereto a duplicate invoice of each shipment. The report shall contain such other facts as the Auditor shall from time to time demand.

§ 6. The leaseholder shall pay into the State Treasury in the manner hereafter provided one dollar for each ton of marketable shells caught from the bed of the river in the territory covered by his lease. If, for any reason, the leaseholder shall not work the territory covered by his lease during any year, thereby depriving the State of royalty from same, he shall pay into the State Treasury a minimum royalty of one hundred dollars, or forfeit his lease.

§ 7. The royalty of one dollar per ton shall be due the Commonwealth monthly and shall be paid into the State Treasury upon the demand of the Auditor, after he shall have examined and approved the report of the leaseholder.

§ 8. In addition to the reports required to be made under section five hereof, the leaseholder shall make, at the close of the shell catching season of each year, a general report to the Auditor showing the length of each bed worked during the season and the number of tons of shells taken therefrom, and the location and condition of said beds.

§ 9. The leaseholder shall be liable on his bond for any violation of the provisions of this Act, and any such violation by himself or his employees shall also be a misdemeanor punishable by a fine of not less than twenty-five dollars or more than fifty dollars for each offense.

§ 10. Any one other than the leaseholder or his employees catching shell, or fishing for same, or territory covered by a lease shall be deemed a trespasser and shall be fined not less than twenty-five dollars or more than fifty dol-

lars for each offense, or imprisoned in the county jail for not less than thirty days or more than sixty days, or both so fined and imprisoned.

§ 11. This Act shall take effect on and after its passage and approval by the Governor.

The Committee on Kentucky Statutes proposed the following amendment, viz.:

Amend section 2 by striking out the same and inserting in lieu thereof the following:

Section 2. The Auditor of Public Accounts shall have the authority to make leases, under the provisions of this Act, of the territory, or any portion thereof, containing such mussel beds, from one to five years, as the Auditor in his judgment may deem best for the protection of the industry. He shall have the authority to award the leases for the year 1914 when this Act becomes operative, and shall award all leases for succeeding years on the first Monday in January following the expiration of such leases. All leases shall be awarded to the highest and best bidder, provided, however, that no bid shall be considered for less than a royalty of \$1.00 per ton of marketable shells caught under such lease.

Amend section 6 by striking out the words "one dollar" in line 2 and substituting therefor the words "the amount of royalty specified in his lease."

Amend section 7 by striking out the words "of one dollar per ton" in line 1; and substituting therefor the words "specified in each lease."

Said amendment was disagreed to.

Mr. Marshall proposed the following amendment, by way of a substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to catch mussel shells in the Ohio River, within the confines of this Commonwealth, except as hereinafter provided.

§ 2. The County Court Clerks of the various counties touching said river shall have authority to grant licenses for the exclusive privilege of catching mussel shells in the portions of said river lying within their respective counties, as hereinafter provided. No license shall cover a section of the river containing less than one-fourth of a mile of shell beds nor more than three miles of shell beds; and no person shall hold more than one license at any one time. Said licenses shall cover sections of the river in each county as they may be laid off by the river warden, hereinafter provided for. The county clerk shall keep a record of the sections, and shall furnish a copy of same to the State Auditor. No license shall be granted for a longer period than one year. Provided, that all licenses shall expire on April 30th each year. Each person securing license shall pay to the county clerk a fee of one dollar for issuing same. Blank forms for the license shall be furnished the county clerks by the Auditor. Each applicant for license shall state in his application what section of the river as laid off he desires his license to cover, and shall also state what royalty per ton he is willing to pay for same, and it shall be the duty of the county clerk to grant the said license in each instance to the highest and best bidder. Said license, when granted, shall not be transferable. The county clerk shall advertise for sealed bids at least three times in the county paper. No bid will be considered for less than one dollar per ton for all marketable shells produced. No license holder shall have authority to work shell beds lying between the threads of the stream and the Kentucky shore, without the written consent of the abutting land owner.

§ 3. Each license holder shall pay to the River Warden, to be turned into the State Treasury to be credited to the

Mussel Protection Fund by said warden the amount stated in his license for each ton of marketable shells caught in the territory covered by his license. It shall be the duty of each license holder to make a sworn report monthly to the river warden, and a duplicate thereof to the county clerk, setting out in detail the number of tons of shell sold during the month covered by the report, and such other facts as may be required of him, and shall file with said report duplicate invoices of all shells sold during the month; and the royalty stated in his license per ton on each ton so sold shall be due the Commonwealth, and payable to the river warden when he shall have examined and approved said report. The Commonwealth shall have a lien upon all shells caught until the royalty is paid.

§ 4. It shall be unlawful for any license holder, or his employees, in catching shells to work more than four boats per mile on any shell bed, or to take from any bed more than sixty tons of shells per mile of the river's length, and proportionately for beds of less than a mile, in any one year. And it shall be unlawful to take shells from the river beds by dredging, or by the use of tongs, or by the use of any device or instrument other than what is known as a "shell hook." Provided, that it shall be lawful to catch shells with the hands. It shall likewise be unlawful to catch shells from the river bed when there is more than twenty feet of water in the nearest Government gauge. It shall be lawful to take shells from said river only between the first day of May and the first day of November of each year.

§ 5. For the carrying out of the provisions of this act the office of river warden is hereby created. Said river warden shall be appointed by the Auditor for a term of four years, and shall be subject to removal by him. In addition to the duties hereinbefore provided it shall be the duty of the river warden to visit the various sections of said river when necessary, and to maintain a general supervision of the work of the various license holders. He shall make a sworn monthly re-

port to the Auditor, showing the general condition of the business, the amount of royalties received by him for the State during the month, and such other facts as the Auditor may require, and shall pay into the State Treasury to be credited to the Mussel Protection Fund the royalties so received.

§ 6. The river warden shall receive a salary not to exceed twelve hundred dollars (\$1,200.00) per year, payable monthly upon the warrant of the Auditor, and shall also be paid his necessary expenses incurred in the discharge of his duties. He shall file with the Auditor an itemized account of such expenses, and shall make oath to the correctness thereof, before the same shall be allowed. The salary and expenses herein provided for shall be paid only out of the fund turned into the State Treasury under the provisions of this act, when approved by the Auditor, and in no event shall it be paid out of any other fund. The river warden shall execute bond to the Commonwealth of Kentucky, to be approved by the Auditor, in the penal sum of five thousand (\$5,000.00), conditioned for the faithful performance of his duties under this act.

§ 7. For any violation of the provisions of this act, or of the contract obtained through his license, by the license holder or his employees he shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), and upon conviction shall forfeit his license. Any one other than the license holder or his employees catching shells, or fishing for same on territory covered by license, shall be deemed a trespasser, and shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. This shall also apply to territory not let out to license holders.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the negative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	J. Will Clay	S. L. Marshall
Charles Arnett	Nim. R. Cobern	C. F. Montgomery
T. F. Bagby	W. A. Frost	R. M. Salmon
Joe F. Bosworth	Webster Helm	Dr. H. G. Sanders
Hiram M. Brock	Hite Huffaker	J. T. Tunis

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Those who voted in the negative were—

W. W. Booles	W. B. Moody	G. G. Speer
John F. Ford	T. J. Moore	J. H. Williams
Walker C. Hall	H. G. Overstreet	J. R. Zimmerman
J. B. Hiles	Robert H. Scott	

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The following pair was announced on all motions to adjourn:

Mr. Hall with Mr. Robertson.

Mr. Robertson, if present, would vote in the affirmative, and Mr. Hall, if present, would vote in the negative.

Mr. Knight moved that the Senate do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon, by Messrs. Helm and Moody, were as follows, viz.:

Those who voted in the affirmative were—

T. F. Bagby	John H. Durham	R. M. Salmon
Hiram M. Brock	Chas K. Knight	Mitchell Vincent

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Those who voted in the negative were—

Robert Antle	Webster Helm	H. G. Overstreet
Charles Arnett	J. B. Hiles	Robert H. Scott
W. W. Booles	S. L. Marshall	G. G. Speer
Nim. R. Cobern	C. F. Montgomery	J. T. Tunis
John F. Ford	W. B. Moody	J. H. Williams
Seldon R. Glenn	T. J. Moore	J. R. Zimmerman

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Mr. Booles moved that the Senate do now recess until tomorrow at 10 o'clock, a. m.

Mr. Durham moved to amend said motion by substituting therefor the following.

That the Senate do now recess until 7 o'clock, p. m.

Said amendment was disagreed to.

And the question being taken on the motion made by Mr. Booles, it was decided in the affirmative.

And the Senate recessed.

At the time fixed above for the reassembling of the Senate after the recess, the Senate met and the proceedings were as follows:

The President announced that the Senator from Lewis (Mr. Bagby) had been granted a leave of absence.

Mr. Montgomery, of the Committee on Courts and Legal Procedure, to which had been referred the following bills, viz.:

S. B. 193. An Act to amend section 203 of the Criminal Code of Practice.

S. B. 191. An Act to amend section 188 of the Criminal Code of Practice.

S. B. 192. An Act to regulate the introduction of expert testimony in civil and criminal trials.

S. B. 180. An Act to repeal and re-enact section 334 of the Civil Code of Practice, relating to bills of exception.

H. B. 104. An Act to further regulate appeals to the Court of Appeals.

Reported same with favorable recommendations.

Mr. M. O. Scott, of the Committee on Suffrage and Elections, to which had been referred a bill of the following title, viz.:

H. B. 76. An Act to amend an Act entitled "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at General Elections, and prescribing penalties for the violation thereof," which Act became a law March 5, 1912.

Reported the same with a favorable recommendation.

Mr. Overstreet, of the Committee on Appropriations, to which had been referred bills of the following titles, viz.:

S. B. 358. An Act to amend section 747, subdivision 8, chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, Deputy and Clerks.

S. B. 133. An Act for the benefit of the Kentucky Institution for the Blind.

Reported same with favorable recommendations.

Mr. Hall, of the Committee on Agriculture and State Fair, to which had been referred bills of the following titles, viz.:

S. B. 332. An Act to regulate the sale and shipment of onion sets and seed potatoes in Kentucky.

H. B. 164. An Act to amend section 67, and subsections 3 and 4 of section 68a, article 3, Carroll's Edition, Kentucky Statutes, 1909.

Reported same with favorable recommendations.

Mr. Helm, of the Committee on Kentucky Statutes, to which had been referred bills of the following titles, viz.:

H. B. 383. An Act relating to provisions in contracts giving to engineers and architects and other persons the power to make final awards and appraisements and to prevent the ousting of the jurisdiction of the courts by reason of such provisions.

S. B. 219. An Act to provide for the selection of Judges of the Circuit Courts and Commonwealth Attorneys of this Commonwealth to act in the absence of the regular judge thereof and Commonwealth Attorneys and in cases in which the regular Judges and Commonwealth Attorneys for any cause are unable to preside or to act as such.

Reported same with favorable recommendations.

S. B. 326. An Act to repeal and re-enact section 3076 of the Kentucky Statutes, relating to the power to grant licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

Reported the same with an unfavorable recommendation.

Mr. Tunis moved that said bill be read at length and placed on the calendar, the report of the committee notwithstanding.

Mr. Hall moved to amend said motion as follows: That consideration of said bill be indefinitely postponed.

Said amendment was disagreed to.

And the question being taken on the motion of Mr. Tunis, it was decided in the affirmative.

Said bills were severally read at length for the first time and ordered placed on the calendar.

By unanimous consent, Mr. Arnett presented a petition protesting against the doing away with the Forestry Department or Commission in Kentucky, which was referred to the Committee on Game, Fish and Forestry.

Mr. Frost, of the Committee on Rules, called from the Committee on Municipalities, a bill which originated in the Senate, viz.:

S. B. 153. An Act to amend section 3290 in sub-division 2, of article 4, chapter 89, Kentucky Statutes, and providing for the oiling of streets in cities of the third class.

Said bill was read at length for the first time and ordered placed on the calendar.

Mr. Moody, of the Committee on Revenue and Taxation, to which had been referred a bill of the following title, viz.:

H. B. 105. An Act regulating the disposition of all moneys received by the Commonwealth of Kentucky as registration or license fees on automobiles and other motor or electric vehicles.

Reported the same with an amendment thereto with a favorable recommendation.

Said bill was read at length for the first time and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives entitled, viz.:

H. B. 494. An Act to amend and re-enact Article 1, Chapter 52 of the Kentucky Statutes, Edition 1909, being sections 1833 to 1851, inclusive, entitled, "Fiscal Courts," as amended by an Act entitled "An Act to amend section 1850 of the Kentucky Statutes, Edition of 1909," being chapter 116 of the Acts of 1910.

The Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1849 be and the same is hereby amended by striking out the latter part of said section, begin-

ning with the words "Provided, however," etc., so that said section as amended shall read as follows:

"Section 1849. Term of office of Commissioners. The Commissioners shall take the oath of office and enter upon the discharge of their duties on the first Monday in January after their election and continue in office until their successors are elected and qualified, as hereinafter provided."

§ 2. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

"In counties containing a city of the fourth class which have voted in favor of the Fiscal Court of the county being composed of three Commissioners to be elected from the county at large and the County Judge, and in which Commissioners have not been elected, there shall be elected at the regular election held in November, 1915, three Commissioners from the county at large, who shall serve for a period of two years. At the expiration of two years from the time when said Commissioners shall have been elected and at the general election for county offices to be held at that time and every four years thereafter, there shall be elected three Commissioners for a term of four years. Provided, That the County Judge of any such counties shall, within thirty days after this Act takes effect, divide said county into three districts as nearly equal in population as possible and all appointments and elections of Commissioners shall be made from said districts so that the Fiscal Court shall always be composed of the County Judge and one Commissioner from each of the said three districts. In all elections of Commissioners they shall be voted for by the voters of the county at large. Each Commissioner shall receive as full compensation for his services the sum of two hundred and no-100 (\$200.00) dollars per annum, payable quarterly."

§ 3. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

“All nominations for Commissioners to compose the Fiscal Court shall be made by secret ballot at the general primary election to be held next preceding the general election at which such Commissioners are to be elected and subject to all the provisions of the general primary law. Each legal voter at said election may vote for one candidate in each district by making a cross in the square opposite the name of each candidate for whom he wishes to vote, the candidates to be arranged upon the ballot by districts. The candidates in number equal to the number of candidates to be elected at the next ensuing general election, who shall receive the highest number of votes with regard to districts as herein provided, shall be declared nominated.”

§ 4. That said Article 1, of Chapter 52, be and the same is hereby amended by adding thereto the following provisions, to-wit:

“All elections for Commissioners to compose the Fiscal Court of any county containing a city of the fourth class shall be by secret ballot, which ballot shall be prepared, furnished and cast in accordance with the provisions of the general election law, containing the names of those nominated for the office of Commissioner at the preceding general primary election. The candidate or candidates in number equal to the number of Commissioners to be chosen, who shall receive the highest number of votes with regard to districts as herein provided, shall be declared elected, one Commissioner to come from each district. The provisions of this Act shall not apply to counties not containing a city of the fourth class.”

§ 5. Article 1, Chapter 52, of the Kentucky Statutes, Edition 1909, including Chapter 116, Acts 1910, and each section thereof which is not in conflict with the provisions of this Act, are hereby re-enacted as herein amended and all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 6. If any section of this bill shall be held to be unconstitutional, that fact shall not affect any other section of the Act, it being the intention of the General Assembly in enact-

ing this bill to enact each section separately, and if any proviso or exception contained in any section of this bill shall be declared unconstitutional, that fact shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of said bill and each proviso and exception thereto separately.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	T. J. Moore
W. W. Booles	Webster Helm	H. G. Overstreet
Hiram M. Brock	J. B. Hiles	Dr. H. G. Sanders
J. Will Clay	C. Holman	M. O. Scott
Nim. R. Cobern	Hite Huffaker	Robert H. Scott
John H. Durham	Chas. H. Knight	G. G. Speer
John F. Ford	S. L. Marshall	J. T. Tunis
W. A. Frost	C. F. Montgomery	Mitchell Vincent
Seldon R. Glenn	W. B. Moody	J. R. Zimmerman

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill, and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, entitled:

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

The Senate took up said bill for consideration.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of any county shall have the power at any regular session of the county court, where same shall be conducive to the public health, convenience or welfare or when same will be of public benefit or utility, to establish and aid in the construction, as herein provided, of any levee, along any river or water course, within or bounding said county.

§ 2. Before the county judge shall establish any levee there shall be filed with the county clerk of such county a petition signed by at least five land-owners of said county, setting forth the necessity therefor, with a general description of the proposed starting point, route and terminus, the names of the owners and tenants of lands, if known, and if not known it shall be so stated over which the proposed levee is to pass, and shall give bond with good and sufficient sureties, payable to the state, to be approved by the clerk, conditioned to pay all expense of establishing said levee, and the damages accruing to the owners and tenants of lands over which same passes. As soon as said petition is filed and said bond executed, said judge shall, if in regular session, or at his next regular session, appoint three impartial housekeepers of

the county as commissioners to assess damages the owner or owners, or tenants, if any, may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties under the law; and who shall proceed at the time to be set in the order, with a surveyor, who shall be a civil engineer, and view out and make an accurate survey of the line of said proposed levee from its starting point to its terminus, marking and platting the route of same, by course and distances, and ascertain the amount of land required for the purpose of erecting said levee, at the various points along its line, not exceeding, however, one thousand feet in width at any point; the name and residence of the owners and tenants of same, whether same are infants, of unsound mind or married women; assess what will be a just compensation to each owner and tenant, if any, for the land required and sought to be appropriated for the establishment of said levee, the damages, if any, to the residue of the tracts beyond the consequential benefits which will be derived to such residue from the levee. If a person has only an estate for life or years in such land and remainder in fee belongs to another, the commissioners shall apportion the damages between them. All of which said commissioners shall report in writing signed by them to the court, together with a map or diagram of the proposed route of levee, and report also whether or not the proposed levee will be conducive to the public health, convenience or welfare, or whether the same will be of public benefit or utility, and in case the commissioners find the proposed levee not of public benefit or utility as above stated, they shall so report, and in which case their report need only state that they find the proposed levee not of public benefit or utility in any way.

§ 3. Upon the report of the commissioners on an application to establish a levee, if favorable to same, the court shall issue process against all the owners and tenants of land over which said report shows the proposed levee to pass, who have not filed in said court relinquishment of the right of way for

same over their lands, to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability, as required by the Civil Code of Practice in actions against them in circuit court.

§ 4. At the first regular term of the county court after the owners and tenants shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, no exceptions being filed to said report by any party, it shall be the duty of the court, from the report and other evidence, if any, to determine whether the levee shall be established as recommended by the commissioners.

§ 5. When exceptions shall be filed by either party, the court shall, unless the parties agree that the court may try such issue forthwith cause a jury to be impaneled to try the issues of fact made by the exceptions and each juror shall be allowed one dollar per day for his services, to be taxed as cost. In assessing the compensation and damages the jury shall be governed by the rule prescribed in Section 2 of this act. If sufficient cause be not shown for setting aside the verdict, the court shall, upon the report, verdict and other evidence, if any, determine whether the levee shall be established as recommended in said report.

§ 6. If the court decide that the said proposed levee be established, he shall cause an order to be entered upon the records of said court, and a copy of same to be issued and directed to the applicants and petitioners, upon condition they pay the cost of procedure and all sums required to be paid to the owners and tenants of lands taken, said levee be established by them as reported.

§ 7. The party aggrieved may, within thirty days by executing bond as required in other cases, prosecute an appeal to the circuit court of the county, from the decision of the county court, ordering a levee established, or refusing such order, and the appeal shall be tried de novo, and from

the decision of the circuit court either party may prosecute an appeal to the Court of Appeals, and the latter court shall have jurisdiction of matters of law arising on the record of such cases.

§ 8. The county judge shall, when he establishes a levee, appoint five resident land-owners of the vicinity of said levee to be known and designated as the levee commissioners of said county, whose duty it shall be to superintend the construction, care and protection of said levee when built, who shall serve as said levee commissioners for the term of four years or until their successors are appointed. And the county judge shall every four years thereafter appoint levee commissioners for said county for like qualifications, and fill any vacancies in said levee board occasioned by death, removal or other cause.

§ 9. Said levee commissioners shall superintend and see that all levees are properly constructed and cared for, that convenient crossings of said levees are made at the intersection of all public roads for the traveling public and at such private crossing as said commissioners may from time to time establish. That at any time said commissioners may deem said levee in peril or danger of being damaged or destroyed after being built, by reason of wind or high water, they shall, after giving six hours' notice to all male persons between the ages of eighteen and fifty years residing within the territory protected by said levee, require them to assemble at a point to be designated by said commissioners, and aid and labor in the repairs and protecting of said levee, for which service they shall be paid by the commissioners at the rate of one dollar and fifty cents (\$1.50) per day. And any person liable to work on said levee under the provision of this Section, who shall fail to do so after being notified shall be fined for each day he shall so fail, the sum of five dollars, to be recovered by warrant issued and tried by any court of competent jurisdiction of said county.

§ 10. It shall be unlawful for any person to ride a horse

or drive any vehicle along or across any public levee, except at the crossing of public roads or such private crossing as the levee commissioners may have established, and any one so offending shall be found guilty of a trespass and for each offense fined not less than ten dollars nor more than fifty dollars.

§ 11. Any one who shall wilfully and feloniously cut, damage, destroy or attempt to cut, damage or destroy any public levee shall be deemed guilty of a felony, and for each offense confined in the State penitentiary for not less than one nor more than five years.

§ 12. It shall be unlawful for any person to suffer or permit any hogs owned by them to run at large on any public levee, and any one so offending shall be found guilty of trespass and for each offense fined not less than five nor more than ten dollars and any hogs found running at large on said levee, may be impounded by the levee commissioners, and held for five days, and unless within that time the owner of said hogs shall pay to said commissioners the penalty above described, said hogs may be sold by said commissioners for the benefit of said levee.

§ 13. Said levee commissioners shall, for the purpose of building or repairing of the levees for which they are commissioners, have the power to levy and have collected an annual tax on all property situated within the territory protected by said levee of not exceeding 50 cents (fifty cents) on the one hundred dollars, said property to be assessed, and the tax collected by the county assessor and sheriff, in the same manner and time and subject to the same requirements, as in the assessing and collecting the county revenue, same when collected to be paid over by the sheriff to the treasurer of the levee commissioners, which, together with the proceeds of all fines assessed and collected under the provisions of this Act, shall be used by said commissioners in the building or repairing of their levees.

§ 14. The board of levee commissioners appointed is hereby declared a body-politic and corporate under the name and style of Board of Levee Commissioners with perpetual succession, and by that name may contract and be contracted with, sue and be sued and have and use a corporate seal, with power to renew and alter the same at pleasure and in said corporate name is empowered to do and carry out all and everything authorized by this Act, or the law with reference to public levees.

§ 15. The levee commissioners shall upon their appointment and qualification elect a President from its members for the term of four years, and may prescribe who shall preside in his absence, and make all necessary rules prescribing the duties of the presiding officer and the government of itself. Said board shall also elect a secretary and treasurer, for a term of four years, which office may be filled by the same person. It shall be the duty of the secretary to keep a record of the proceedings of all regular and special meetings of said board and perform such other duties as the board may prescribe. The treasurer shall receive and keep a distinct account of all moneys belonging unto said board of levee commissioners and pay out the same upon the orders of the board, and perform such other duties with reference thereto, as the board may prescribe.

§ 16. That said board of levee commissioners is hereby authorized and empowered to enter upon, take and hold any lands or premises whatever, whether by purchase, donation, devise or otherwise, that may be necessary and proper for the location, construction, reconstruction, enlarging, extending, repairing and maintaining of its line of levees, as well as for the cutting of ditches, for the purpose of relieving the levees and the lands adjacent thereto, enlarging by sipe and rain water, and said board shall have the right to cut and remove trees, timbers and other material that may by falling or otherwise encumber or endanger said levees or any part

thereof. In case the owners of said lands or premises cannot agree with said board of levee commissioners, as to the value of the premises taken or to be taken for the use of said board, for the purpose of locating, constructing, reconstructing, repairing, enlarging, extending and maintaining its line of levee, or digging ditches or taking material for any of the purposes above mentioned, the value thereof shall be determined, and it is empowered to proceed in its corporate name for the condemnation of the same as is provided for by Sections 835 and 840 inclusive of the Kentucky Statutes, with reference to railroads, and it is given all the power and remedies as is therein provided.

§ 17. That said board of levee commissioners is authorized and empowered to treat, contract and negotiate with any river commission or agency of the United States government for the purpose of securing the construction, reconstruction, repair, enlargement, extension or maintenance of said levee, or the aid, assistance or co-operation of said river commission or other agencies in the construction, repair, reconstruction, enlargement, extension or maintenance of such levee or building new loops or any part thereof, and to this end said board of levee commissioners may turn over to said river commission or other agencies the use and control of any part of its line of levee, or to the whole, and may place its officers, servants and agencies or funds at the disposal of and under the control and direction of said river commission or other agencies, which it may take in charge and superintend and contract for levee building, and the building of the same, and shall have full power and authority to enter into any and all arrangements, contracts and agreements with such river commissions and other agencies of the United States government, as will secure the construction, reconstruction, repair, enlargement, extension and maintenance of levees by said river commissions and other agencies through its co-operation in such construction and protection.

§ 18. That in cases where levee districts have been heretofore established, under the laws in force in the State of Kentucky, or hereafter established under this Act, a lien shall exist for the cost of the establishment, construction, reconstruction, repair, enlargement, extension and maintenance of such levee against the land situated within the territory protected by such levee, superior to all other liens except taxes due the State, county, municipality or taxing district in which same may be located, the board of levee commissioners in addition to the collection of ad valorem tax provided for, in Section thirteen of this Act, shall, for such purpose, have the power, and it is authorized and empowered to make an assessment against such land of not exceeding fifty cents per acre per annum, which assessment shall be collected by the sheriff or tax collector of the county, in the same way and manner and at the same time as is provided for the collection of said ad valorem tax, and same shall be paid over and accounted for by said sheriff and tax collector, as he accounts for said ad valorem tax. The said sheriff and tax collector and said board of levee commissioners are given all the power and remedies for the collection of said assessments, as is now given by law for the collection of State and county taxes, together with the same rights and remedies to enforce the liens existing for the same. It shall be the duty of the secretary of the said board of levee commissioners, when the tax lists are furnished to said sheriff and tax collector, for the collection of the ad valorem tax, to also deliver to him a list of all persons owning land in such levee district protected by such levee, together with the number of acres owned by each and description thereof and amount of assessment against each.

§ 18. That for the purpose of establishing, constructing, reconstructing, repairing, enlarging and maintaining such levees the said board of levee commissioners shall have the power and it is authorized to borrow money in such an amount as is necessary to issue, negotiate and sell its bonds in

such sums and denominations of not less than one hundred dollars or more than one thousand dollars each, as said board may prescribe, which bonds shall each be signed by the president and countersigned by the secretary of said board, with corporate seal affixed and shall be made payable to the person or persons to whom sold, or bearer or bearer simply, at the discretion of the board, and shall bear a rate of interest not exceeding 6 per cent per annum, payable annually or semi-annually, at such time and place as the board may prescribe and contract, said board shall fix the place for the payment of principal and interest of said bonds. The said bonds shall be redeemable by the said board of levee commissioners at any time within twenty years after the date of their issue, or it may redeem any of said bonds at such time or times within the said twenty years, as may be stated in said bond or bonds. Said bonds shall not be sold for less than par and accrued interest at the time of sale.

§ 20. For the purpose of paying the interest on the bonds herein authorized to be issued under this Act and for the redemption of said bonds as they mature or become due, and to create a sinking fund sufficient to pay off said bonds and interest at maturity, the said board of levee commissioners are authorized and empowered and it is made their duty to annually make an assessment against the lands embraced in said levee district and protected by such levee, of not exceeding fifty cents per acre per annum, which assessment shall be collected and accounted for in all respects as provided for in Section eighteen of this Act, and all the rights and remedies are given for its collection as conferred by said Section eighteen, provided, however, that the assessment provided for in Section eighteen and under this Section shall not exceed in the aggregate fifty cents per acre per annum. It shall be the duty of said board of levee commissioners in making the assessment herein authorized to specify what part of the same is for the payment of the interest and redemption

of said bonds and for the creation of a sinking fund for the payment of such bonds and interest at their maturity, and the treasurer of said board of levee commissioners shall keep said fund separate and apart from the other revenue of said board, and same shall be used and kept for this purpose, except it shall be loaned by said commissioners, at the best rate of interest obtainable upon good and solvent securities, the interest collected to be and become a part of said sinking fund and so held. The lien herein provided for shall be superior on said lands for the payment of the interest and principal of said bonds, over that of the assessment for other purposes, and superior to all other liens except for State, county, municipal or district taxation. The lien provided for herein shall continue with and remain on said land until the maturity and payment in full of said bonds and interest, in the hands of purchaser, transferer or subsequent owner of the same.

§ 21. The treasurer of said board of levee commissioners shall, before he enters upon the performance of his duties, execute bond in such an amount as the board of levee commissioners may fix, which bond shall equal twice the amount that may come into his hands under the provisions of this Act, and conditioned for the faithful performance of his duties and to safely keep an account for all money in his hands or held by him. The board of levee commissioners shall have the power to fix salaries for its officers and members in such amounts as it deems reasonable and provide for the payment of any and all other employes of said board.

§ 22. The provisions of this Act shall be liberally construed, so as to carry into effect the true intent and meaning thereof and promote the protection of overflow lands. If any part of this Act shall be declared illegal it shall not affect the remaining part thereof. The question of the levy of the ad valorem tax or the assessment made against the lands, shall not be defeated on account of any irregularity in the pro-

ceedings, which does not affect the substantial rights of the party complaining.

§ 23. All levy districts heretofore established and now existing under the laws of the State of Kentucky, shall continue and remain with all the powers and rights as conferred by this Act, and nothing herein shall affect rights acquired by them as such, but they shall be invested with the additional power, herein conferred, and commissioners and officers now serving under appointment heretofore made under said laws, shall continue and remain in office until their successors have been appointed and qualified, as provided in this Act.

§ 23a. Provided that nothing in this Act shall apply to counties having a population of 200,000 or more.

§ 24. All laws and parts of laws in conflict with this Act are hereby repealed.

§ 25. Whereas many sections of the State of Kentucky are in immediate need of levee protection and are without sufficient funds under the present law to construct and rebuild such levees and the general health, comfort, convenience and welfare of many sections of the State is dependent upon such provisions. Therefore an emergency is hereby declared to exist and this Act shall take effect and be in full force from and after its approval by the governor.

This Act shall apply only to the enlargement, repair and reconstruction of levees already in existence.

The Committee on Legislative and Senatorial Districts proposed the following amendment:

Amend Section 25 by striking out all of lines 8 and 9, and inserting in lieu thereof the following:

“This Act shall apply only to the construction, reconstruction, enlargement and repairing of levees which have or may receive government aid.”

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	W. B. Moody
W. J. Bale	Seldon R. Glenn	T. J. Moore
W. W. Booles	Walker C. Hall	H. G. Overstreet
Joe F. Bosworth	Webster Helm	Dr. H. G. Sanders
Hiram M. Brock	J. B. Hiles	Robert H. Scott
J. Will Clay	C. Holman	G. G. Speer
Nim. R. Cobern	Hite Huffaker	J. T. Tunis
John H. Durham	S. L. Marshall	Mitchell Vincent
John F. Ford	C. F. Montgomery	J. R. Zimmerman

—27

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill, and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that that body had concurred in Senate amendments to H. B. 275 and had passed said bill as amended.

Mr. Bale, of the Committee on Enrollments, reported that the Committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz.:

H. B. 40. An Act to regulate the making, drawing, uttering, or delivering of checks, drafts or other orders for the payment of moneys, and fixing the penalty for the violation thereof.

H. B. 206. An Act prohibiting the shipment of liquors for sale in local option territory and prohibiting persons from having in possession for sale liquors in such territory.

H. B. 275. An Act to amend Sections 1, 2, 4, 5, 6 and 13 of Chapter 5 of the Acts of 1912, entitled: "An Act relating to fire, lightning, hail, wind storm and sprinkler leakage, and to regulate and control the rates of premium thereon and creating a State Insurance Board and defining the powers and duties of said board," and to further amend said Act by enacting subsection 2a providing that certain insurance companies, their agents and representative shall furnish the State Insurance Board certain data in their possession affecting insurance risks and rates thereon, and fixing a penalty for its violation.

And found the same correctly enrolled.

Said bills were then compared by the clerks in open session of the Senate and found to be correctly enrolled. The President thereupon affixed his signature thereto, and they were returned to the committee to be delivered to the House of Representatives.

Mr. Frost moved that the Session be extended until 2 p. m.

Said motion was agreed to.

Mr. Arnett asked, and was granted, a leave of absence.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate of the following title, viz.:

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No child under the age of ten years shall be sentenced to or confined in the School of Reform, or any State penal institution.

§ 2. When any child over ten years of age and under sixteen years of age, shall be sentenced to, and confined in, the House of Reform, the expense of conveying said child to the House of Reform shall be paid by the county from which sent, and said county shall pay for the maintenance of such child \$100.00 annually, which sum shall be payable into the State treasury in monthly installments at the end of each month. It shall be the duty of the County Judge on the last day of each month, by written order, to direct the Treasurer of the county, or the person acting as Treasurer, to forward to the Auditor of Public Accounts the amount due under the provisions of the act. If any county shall make default in payment of any sum due under the provisions of this act, the Auditor may institute suit against such county for the recovery of the amount due in the Franklin Circuit Court.

The provisions of this section shall not apply when the child so sentenced has been indicted upon a felony charge.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

W. J. Bale	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	M. O. Scott
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	C. Holman	G. G. Speer
J. Will Clay	Hite Huffaker	J. T. Tunis
Nim. R. Cobern	Chas. H. Knight	Mitchell Vincent
John H. Durham	S. L. Marshall	J. H. Williams
W. A. Frost	C. F. Montgomery	J. R. Zimmerman
Seldon R. Glenn	H. G. Overstreet	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory, and the Kentucky Penitentiary at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary; and declaring the lands so leased public works of the Commonwealth of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Whereas, the inmates of the Kentucky Reformatory located at Frankfort, Kentucky, and the inmates of the Kentucky Penitentiary located at Eddyville, Kentucky, are annually consuming large quantities of corn, potatoes, beans, peas, onions, cabbage and other vegetables, which is an expense on the public treasury of many thousands of dollars annually, and,

Whereas, there are now confined in said Kentucky State Reformatory and in said Kentucky Penitentiary, many persons who are not physically able to perform services under the contracts now in existence, but who are able to work upon a farm and do such labor as may be necessary to produce vegetables and other eatables, and the labor of said convicts can be utilized so as to save many thousand dollars expense to the Commonwealth of Kentucky annually, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Penitentiary Commissioners are authorized and empowered to lease for the period of two years, a sufficient amount of land located in Franklin County, Kentucky, at some point convenient to the Kentucky State Reformatory, and a sufficient amount of land located in Lyon County, Kentucky, convenient to the Kentucky Penitentiary, for the purpose of cultivating and raising such products as are consumed by the inmates of said Kentucky Reformatory and said Kentucky Penitentiary. Before said Board of Penitentiary Commissioners shall enter into any contract with any person for the lease of said land, they shall submit the proposition to the Commissioners of the Sinking Fund, and if the Commissioners of the Sinking Fund approve the same, then the Board of Penitentiary Commissioners will enter into a written contract with the owner of said lands.

§ 2. The Board of Penitentiary Commissioners are authorized and empowered to assign a sufficient number of the convicts now confined in said penitentiary to labor upon the farms so leased, and said convicts shall during all the time they are engaged in labor upon said farm, and while being conveyed to and from said penitentiary, be under the charge of the Warden and Deputy Wardens or guards assigned by the Board of Penitentiary Commissioners.

§ 3. When the Board of Penitentiary Commissioners shall have leased the lands as herein provided, said land shall be considered a part of the penitentiary system of Kentucky and become public works of the Commonwealth of Kentucky.

§ 4. At the time said Board of Penitentiary Commissioners enter into a contract for the lease of said two tracts of land, they shall take an option on said land which will authorize the Commonwealth of Kentucky at any time within two years from and after that date, to purchase the land at the price named therein, and said Commissioners will also secure options on other land convenient to said penitentiaries, which will enable the next General Assembly of the Commonwealth of Kentucky to cause the purchase of said

lands at the price named therein if it desires to do so, but said option shall in no wise bind the Commonwealth of Kentucky to purchase any of said land.

§ 5. The Board of Penitentiary Commissioners shall keep a separate itemized account showing the amount expended for the seeds, tools and material on said farms; the number of days that each convict works thereon; the amount of time that each guard or prison official devotes to said farm, and all other expenses incident to or connected with the management of said farm. They will also keep an itemized account showing the receipts from said farm, the amount of the product of said farm used by the prison, together with the market value of the product on the day that it is delivered to the prison, and they will report all leases, contracts and the original book on which said accounts are kept to the next session of the General Assembly of the Commonwealth of Kentucky.

§ 6. The season is fast approaching when crops should be pitched, and in order to get the full benefit of the land so leased during the present year, an emergency is declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken upon the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

W. J. Bale	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	M. O. Scott
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	C. Holman	G. G. Speer
J. Will Clay	Hite Huffaker	J. T. Tunis
Nim. R. Cobern	Chas. H. Knight	Mitchell Vincent
John H. Durham	S. L. Marshall	J. H. Williams
John F. Ford	C. F. Montgomery	J. R. Zimmerman
W. A. Frost	W. B. Moody	
Seldon R. Glenn	T. J. Moore	—28

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 270. An Act requiring tobacco warehousemen handling loose leaf tobacco to post on their premises the number of pounds and the average price thereof of each day's sales and prescribing penalties.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of any tobacco warehousemen, corporation, firm or individual, who shall receive, or who shall undertake to receive or take care of leaf tobacco, for sale at public auction, whether with or without compensation or reward, to post or cause to be posted, a notice, in a conspicuous place upon the premises of said warehousemen, corporation, firm or individual, stating the number of pounds in the aggregate, actually sold, and the average price per pound received on account of each day's sales.

§ 2. Said notice shall be posted not later than 9 o'clock, a. m., on the day following such sale or sales.

§ 3. Any warehousemen, corporation, firm or individual who shall fail or refuse to post said notice in accordance with the provisions of this act shall be subject to a fine in any sum, not less than \$25.00 nor more than \$50.00 for each day they so fail or refuse to post said notice.

§ 4. Any warehousemen, corporation, firm or individual who shall in said notice falsify the actual number of pounds sold or the average price thereof shall be subject to indictment and upon conviction shall be fined \$500.00 for each offense.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Hiram M. Brock	John H. Durham
W. J. Bale	J. Will Clay	John F. Ford
W. W. Booles	Nim R. Cobern	W. A. Frost

Seldon R. Glenn	S. L. Marshall	Robert H. Scott
Walker C. Hall	C. F. Montgomery	G. G. Speer
Webster Helm	W. B. Moody	J. T. Tunis
J. B. Hiles	T. J. Moore	Mitchell Vincent
C. Holman	H. G. Overstreet	J. R. Zimmerman
Hite Huffaker	Dr. H. G. Sanders	
Chas. H. Knight	M. O. Scott	

—28

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 313. An Act changing the name of the Capitol Square Police to Executive Marshal, and prescribing his duties, and fixing his compensation.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of Capitol Square Police shall hereafter be known as the Executive Marshal, and he shall be appointed by the Governor and shall hold office for the same term as the Governor.

§ 2. It shall be the duty of such Executive Marshal to perform any and all such duties as the Governor may require

of him, and he shall have the powers of a peace officer upon and about the Capitol building and grounds, and shall, before assuming the duties of such officer, take the oath required of peace officers and shall execute a bond to the Commonwealth of Kentucky in the sum of \$2,500.00, to be approved by the Governor.

§ 3. For his services he shall be paid a yearly salary of \$1,350.00, to be paid monthly out of the Treasury in the same manner as is provided for paying the salaries of the executive officers of the State.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	T. J. Moore
W. J. Bale	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	M. O. Scott
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	C. Holman	G. G. Speer
J. Will Clay	Hite Huffaker	J. T. Tunis
Nim R. Cobern	Chas. H. Knight	Mitchell Vincent
John H. Durham	S. L. Marshall	J. R. Zimmerman
John F. Ford	C. F. Montgomery	
W. A. Frost	W. B. Moody	

—28

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a joint resolution, which originated in the House of Representatives, of the following title, viz.:

H. Res. 20. Joint resolution petitioning Congress to enact a law permitting the growers of tobacco to twist the tobacco of their own raising and sell same free of any tax or license.

The Senate then took up for consideration said resolution.

Said resolution reads as follows, viz.:

Whereas, The State of Kentucky is a great agricultural State; and

Whereas, One of the chief industries is the growing and marketing of tobacco; and

Whereas, This product of the soil gives more labor to more people and puts into circulation more money than any other one product grown in the State; and

Whereas, When said tobacco is placed upon the market the producer finds himself in the grasp of the American Tobacco Company, with little chance of securing reasonable prices for the fruits of his labor; now, therefore,

Be it Resolved, That the members of this General Assembly do petition the National House of Representatives and the Senate, and especially the members of the House and Senate from this grand old Commonwealth, to use all honorable means to have a law enacted whereby the

growers of tobacco will be permitted to twist the tobacco of their own raising and sell same free of any tax or license, thereby opening up a new market to the producer for the products grown by him.

Mr. Speer proposed the following amendment:

Amend by adding after the word "twist" and before the word "the" in line 17 the words "or make up."

Said amendment was agreed to.

And the question being taken on the concurrence of said resolution, as amended, it was decided in the affirmative.

Mr. Frost moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

MONDAY, MARCH 9, 1914.

The Senate was opened with prayer by the Rev. Father Joseph A. Flynn, of the Catholic Church.

On motion of Mr. Tunis the reading of the Journal was dispensed with and the Journal approved.

Mr. Hall moved that the rules be suspended and that he be allowed to introduce a bill.

Said motion was agreed to.

Mr. Hall introduced a bill of the following title, which was ordered printed and referred as follows, viz.:

S. B. 361. An Act to appropriate money for certain officers, departments and institutions and to repeal all acts inconsistent therewith, and prescribing certain conditions and limitations as to said appropriations.

To the Committee on Appropriations.

Mr. Marshall moved that the rules be suspended and that he be allowed to introduce a bill.

Said motion was agreed to.

Mr. Marshall introduced a bill of the following title, which was ordered printed and referred as follows, viz.:

S. B. 362. An Act for the benefit of Thomas T. Royster appropriating him Two hundred and Fifty Dollars with interest at the rate of six per cent from March 7, 1913.

To the Committee on Appropriations.

A communication was received from the Governor, by his Private Secretary, in writing, as follows, viz.:

March 9, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate, will appoint the following Notaries Public for their respective counties in Kentucky:

Abel, M. W., Fayette, Lexington, Ky.

Adams, Carolyn, Perry, Hazard, Ky.

Bagby, Emmet W., McCracken, Paducah, Ky.

Barnett, Sarah, Christian, Hopkinsville, Ky.
Beasley, Louise, Fayette, Lexington, Ky.
Botner, Hiram, Owsley, Traveler's Rest, Ky.
Bradley, J. C., Harlan, Kitts, Ky.
Brown, Louisa C., Jefferson, Louisville, Ky.
Brown, Narcissa A., Jefferson, Louisville, Ky.
Burke, M., Jefferson, Louisville, Ky.
Cayce, K. O., Christian, Hopkinsville, Ky.
Clark, P. T., Fayette, Lexington, Ky.
Clark, W. S., Pendleton, DeMossville, Ky.
Cole, Shepherd, Magoffin, Gullett, Ky.
Combs, C. D., Perry, Happy, Ky.
Cox, H. R., Nelson, Bardstown, Ky.
Crawford, L. J., Jr., Campbell, Newport, Ky.
Ewing, B. F., Jefferson, Louisville, Ky.
Fields, Chas. P., Scott, Sadieville, Ky.
Gadberry, E. L., Lincoln, Waynesburg, Ky.
Gargan, Ben F., Jefferson, Louisville, Ky.
Gentry, James B., Spencer, Waterford, Ky.
Gernlein, George, Jefferson, Louisville, Ky.
Griffin, Beulah, Henderson, Henderson, Ky.
Hardebeak, Chas. H., Kenton, Covington, Ky.
Hardesty, B. W., Meade, Paynesville, Ky.
Hawkins, Vera, Oldham, LaGrange, Ky.
Hay, Hafford E., Whitley, Corbin, Ky.
Hazelip, Marcellus, Edmonton, Smith's Grove, Ky.
Henderson, E. C., Lewis, Cottageville, Ky.
Hicks, W. W., Clinton, Alpha, Ky.
Hill, R. C., Lee, Beattyville, Ky.
Hurst, Bernard, Nelson, Bardstown, Ky.
Jones, Katherine S., Fleming, Flemingsburg, Ky.
Jones, John W., Barren, Coral Hill, Ky.
King, John G., Fayette, Lexington, Ky.
Krasne, Dora, Fayette, Lexington, Ky.
Krone, Irene, McCracken, Paducah, Ky.
Landrum, J. W., Harrison, Berry, Ky.

Laufer, H. J., Jefferson, Louisville, Ky.
Lewis, F. H., Muhlenberg, Greenville, Ky.
Lukins, H. N., Jefferson, Louisville, Ky.
Moxley, D., Jefferson, Louisville, Ky.
Nance, W., McCracken, Paducah, Ky.
Nettelroth, H. H., Jefferson, Louisville, Ky.
Odgen, D. O., Jefferson, Louisville, Ky.
Peake, Edgar L., McLean, Livia, Ky.
Pool, Gaston L., McCracken, Paducah, Ky.
Price, J. S., Jessamine, Nicholasville, Ky.
Puryear, E. H., McCracken —.
Reeves, Elbert S., Carter, Hitchens, Ky.
Reiss, Ed. J., Jefferson, Louisville, Ky.
Rice, S. P., Jefferson, Louisville, Ky.
Rodman, E. B., Daviess, Owensboro, Ky.
Sanders, J. L., Bell, Shamrock, Ky.
Sanders, Branella, Shelby, Shelbyville, Ky.
Schmidt, Geo. W., Jefferson, Louisville, Ky.
Seaman, Mardo, Jefferson, Louisville, Ky.
Smith, Joe D., Bell, Pineville, Ky.
Smith, Charles J., Fayette, Lexington, Ky.
Stambaugh, J. H., Johnson, Sitka, Ky.
Steinfeld, M., McCracken, Paducah, Ky.
Sternberg, Manuel, Jefferson, Louisville, Ky.
Stoll, Richard C., Fayette, Lexington, Ky.
Tacket, Lewis L., Johnson, Staffordsville, Ky.
Trammell, T. I., McCreary, Pine Knott, Ky.
Ware, John W., Jefferson, Louisville, Ky.
Webb, R. L., Grant, Williamstown, Ky.
Weeden, H. C., Jefferson, Louisville, Ky.
Winburn, J. A., Madison, College Hill, Ky.

Respectfully,

JAMES B. MCCREARY,
Governor of Kentucky.

Mr. Knight moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

Mr. Knight, of the Committee on Education, to which had been referred a bill of the following title, viz.:

S. B. 325. An Act to amend an Act for the government and regulation of the common schools of the State, being Section 4426a of the Carroll Edition of the Kentucky Statutes, approved March 24, 1908.

Reported same with a favorable recommendation.

Mr. Arnett, of the Committee on Legislative and Senatorial Districts, to which had been referred a bill of the following title, viz.:

S. B. 352. An Act authorizing the Commonwealth of Kentucky to use all public streets and roads for the purpose of laying pipe lines, water pipes and wires, and authorizing the State to condemn private property for said purpose, and authorizing the governing authorities of public institutions in this State to have such lines laid.

Reported the same with a favorable recommendation.

Said bills were severally read at length for the first time, and ordered placed on the calendar.

Mr. Glenn moved that the rules be suspended and that Senate Bill 130 be taken from the Orders of the Day and referred to the Committee on Rules.

Said motion was agreed to.

Mr. Booles moved that the vote by which the Senate had rejected S. B. 29 be reconsidered.

Mr. Moore moved to amend said motion by adding thereto as follows: "And that said motion lie on the table."

Said amendment was disagreed to.

The yeas and nays being required thereon, by Messrs. Zimmerman and Moore, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	J. B. Hiles	J. H. Williams
John H. Durham	T. J. Moore	J. R. Zimmerman
John F. Ford	H. G. Overstreet	
Walker C. Hall	W. F. Welch	—10

Those who voted in the negative were—

Charles Arnett	Nim. R. Cobern	W. B. Moody
T. F. Bagby	W. A. Frost	Sam. L. Robertson
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	D. H. Hildreth	M. O. Scott
Hiram M. Brock	Hite Huffaker	Robert H. Scott
J. Will Clay	S. L. Marshall	J. T. Tunis
		—18

The question was then taken on the motion to reconsider, and it was decided in the affirmative.

The Senate then took up for consideration a bill which originated in the Senate of the following title, viz.:

S. B. 29. An Act to conserve, protect and regulate the catching of mussel shells in the Ohio river within the border of Kentucky.

(For said bill, see substitute adopted, Journal of Friday, March 6, 1914.)

Mr. Williams proposed the following amendment, viz.:

Amend Senate Bill 29 by adding: Section 8. No License holder, his employees, or agents, shall be allowed to catch any shells measuring less than 1½ inches wide and two inches long. Any one violating this section shall upon conviction be deemed guilty of a misdemeanor and be fined not less than fifty dollars nor more than one hundred dollars.

The question being taken upon the adoption of said amendment, the vote was a tie; the President voted "no," and said amendment was disagreed to.

Ordered, that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken upon the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Nim. R. Cobern	Sam. L. Robertson
T. F. Bagby	W. A. Frost	R. M. Salmon
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	D. H. Hildreth	M. O. Scott
Hiram M. Brock	Hite Huffaker	J. T. Tunis
J. Will Clay	S. L. Marshall	

Those who voted in the negative were—

Robert Antle	C. Holman	G. G. Speer
John H. Durham	Chas. H. Knight	W. F. Welch
John F. Ford	T. J. Moore	J. H. Williams
Walker C. Hall	H. G. Overstreet	J. R. Zimmerman
J. B. Hiles	Robert H. Scott	—14

Resolved, That the title of said bill be as aforesaid.

Mr. Marshall moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, to which had been referred a bill of the following title, viz.:

S. B. 130. An Act to amend Section 3 of Chapter 72 of the Acts of 1910,

Reported the same without amendment.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3 of Chapter 72 of the Acts of 1910, which is as follows: "Whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation

with the words, 'No funds with which to pay this warrant, and it bears five per cent interest from this date until called in,' with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent per annum, payable semi-annually," be amended, so that when amended, it shall read as follows:

"Whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation with the words, 'No funds with which to pay this warrant, and it bears five per cent interest from this date until called in,' with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent per annum, payable semi-annually. After said warrant is so stamped, it shall be exempt from taxation.

"All Acts and parts of Acts in conflict herewith are hereby repealed."

Mr. Frost proposed the following amendment, viz.:

Amend the first Section by striking out the words, "from taxation," in the nineteenth line of the printed bill, and insert in lieu thereof these words: "From all taxes levied by this State or any subdivision thereof."

Said amendment was agreed to.

Ordered, that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows:

Those who voted in the affirmative were—

Charles Arnett	Seldon R. Glenn	H. G. Overstreet
T. F. Bagby	Walker C. Hall	R. M. Salmon
W. J. Bale	Webster Helm	Dr. H. G. Sanders
W. W. Booles	J. B. Hiles	M. O. Scott
Joe F. Bosworth	D. H. Hildreth	Robert H. Scott
J. Will Clay	Hite Huffaker	G. G. Speer
Nim. R. Cobern	S. L. Marshall	J. T. Tunis
John H. Durham	W. B. Moody	Mitchell Vincent
John F. Ford	C. F. Montgomery	J. H. Williams
W. A. Frost	T. J. Moore	J. R. Zimmerman

—30

Those who voted in the negative were—

Robert Antle	Hiram M. Brock	W. F. Welch
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—3

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that it had passed a bill which originated in the House of Representatives of the following title, viz.:

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent Acts amendatory thereof, all relating to Revenue and Taxation.

Said bill was ordered printed and referred to the Committee on Rules.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill of the following title, viz.:

S. B. 80. An Act to regulate elections, to provide for the publication of campaign contributions, to control and regulate the contribution and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter any person indorsed in any petition for nomination for any political party at any primary election, or any person nominated by petition for an elective office at the time of filing such petition or certificate of nomination, or who is placed upon the ballot at any general election in any way as now provided by law, shall within five days thereafter, file with the officer authorized by law to receive and file such petitions, the names of not less than one nor more than three persons selected to receive, audit and disburse all moneys contributed, donated, subscribed or in any wise furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such person to act as such committee, provided that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may either in the first instance or within five days after he

has received any party nomination, designate the county, city or State committee of his party for such purpose, in which event the maximum number hereinbefore stated, shall not apply. Such person or persons, or committee, may act conjointly for any number of counties. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall keep detailed accounts of all receipts, payments and liabilities; failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished for or on behalf of the candidates or political party represented by said committee, and shall disburse the same on proper vouchers. If for any cause a vacancy shall occur in the membership of said committee, prior to the 15th day before the day of holding said election, the vacancy must be filled by the authority making the original appointment. No vacancy by resignation from said committee or by refusal to act thereon shall be permitted after the 15th day before the day of holding said election, and until the said committee shall have completed and discharged all the duties required of it by this Act. If the vacancy be created by death or legal disability, subsequent to the 15th day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee as if such vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his election except by contribution to the committee designated by him, as aforesaid. Any person who shall act as his own committee, shall be governed by the provisions of this Act relating to committees designated by candidate.

§ 2. Within ten days after any election, the treasurer of said committee shall file, as hereinafter provided, an item-

ized statement showing in detail all of the moneys contributed, donated, subscribed, or in any wise furnished or received to the use of the political party, organized assemblage or body, or any or all the candidates for public office or electors, or for nominations coming under the control of such committee or into their custody directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived; also an itemized statement of all moneys expended. Such statement shall give the name of the various persons to whom such moneys were paid, the specific nature of such item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement, an affidavit subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys, securities or equivalents for moneys coming under the control of said committee, and by them expended directly or indirectly. Such statement shall be filed in the same office in which is filed a certificate of their selection as such committee and shall become a public document open to inspection by any citizen.

§ 3. Every candidate or treasurer of a committee selected under the provisions of this Act, who refuses or neglects to file a statement as prescribed by this Act, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00, or by confinement in the county jail not exceeding twelve months.

§ 4. Every candidate who is voted for at a general election within the State shall, within fifteen days after any general election, file, as hereinafter provided, a statement, under oath, showing all moneys paid, loaned, contributed, or otherwise furnished by him to said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, contributed, or

otherwise furnished any moneys to said candidate, either directly or indirectly, in aid of his election or nomination. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate which must be substantially in the following form:

State of Kentucky,

County ofss.

I,, having been a candidate for office at the election held in the county, city and county, city or other division, State of Kentucky, on the day of (naming the committee designated by him) do solemnly swear that I have paid the sum of \$..... to, for my expenses at said election, and no more; that except as aforesaid, I have not, nor to the best of my knowledge or belief, has any person, committee, club, society or association, on my behalf, directly or indirectly, made in payment of, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on the account of or in respect to the conduct or management of said election, except such moneys as may have been paid or expended by the said committee designated by me.

§ 5. If any candidate seeks to avoid the responsibility of payment made by any other person in his behalf, of which he has knowledge, he shall set forth such payment and disclaim responsibility therefor.

§ 6. Candidates for office to be filled by the voters of the State or of any political division thereof, greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held and within which the duties of the office, for which the candidate is voted for, are to be exercised. The statement and affidavit of a committee or candidate here

shall, after being filed, become a public record and open at all times to public inspection.

§ 7. Any candidate who shall refuse or neglect to file or who makes a false statement of funds received or expended as prescribed by this Act, shall be guilty of a misdemeanor and fined not less than \$50.00, nor more than \$2,000.00, or confined in the county jail for not less than two months, nor more than twelve months, or both so fined and imprisoned, and shall in addition to the punishment for such offense forfeit any office to which he may have been elected or nominated at the election, in reference to which the statement is required to be made.

If a candidate elected to a public office, or party position, refuses or neglects to file the statement prescribed by this Act, no certificate of election or nomination shall be issued to him; neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office, but shall continue to discharge the duties, and shall receive the emoluments thereof until his successor is legally chosen. If the candidate refusing or neglecting to file the statement or making a false statement of moneys expended, is the incumbent of an office of profit or trust, under the laws of this State, except in the event of a constitutional provision to the contrary, in addition to the punishment prescribed by the laws of this State for such refusal or neglect or for making such false statement, he shall be deprived of his office and shall also forfeit any office to which he may have been elected at the election, in reference to which the statement is required to be made.

§ 8. Every claim payable by the committee selected under the provisions of Section one of this Act, on account of or in respect of any expenses incurred in the conduct or management of an election held within this State or on behalf of the candidates of the political party, organized assemblage or

body, which such committee represents, must be presented to the committee within ten days after the general election, and if not presented, the same shall not be paid, and no action shall be commended or maintained thereon. And all expenses incurred, as aforesaid, shall be paid within fifteen days after the completion of such official canvass and not otherwise. Any person who makes a payment in contravention of this Act shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding \$1,000.00, or by confinement in the county jail not exceeding ninety days, or both such fine and imprisonment.

§ 9. The judge of the circuit court in the county wherein such statement is filed, or is required to be filed, may, on the application of either the committee or a creditor thereof, allow any claim to be presented and paid after the time limited by this Act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such application, shall show to the satisfaction of said judge, that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit or to present, within the designated time, a claim, otherwise just and proper, has been occasioned by the absence or illness of such candidate or by the absence, illness or death of one or more members of said committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or for any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the applicant as the judge may require, and upon production of such evidence of the facts stated in the application as shall be satisfactory to said judge, by order allow such statement and affidavit to be filed or such error or false recital therein be corrected, or such claim be paid as to the judge seems just. And such order

shall relieve the applicant from any liability or consequences under this Act in respect to the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions, and upon like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors shall be united in such application and the amount and specification of such claim must be fully stated.

§ 10. Every bill, placard, poster, pamphlet, advertisement, or other printed matter having reference to an election or to any candidate, shall bear upon the face thereof, the name and address of such person or committee causing the same to be published, and no payment shall be made or allowed unless such address is so printed. Any one violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding \$100.00 or imprisonment in the county jail not exceeding sixty days, or both so fined and imprisoned.

§ 11. No money shall hereafter be paid, or any expenses authorized or incurred by, or on behalf of any candidate for election, to any party position or for election to any office or any political party organization for any purpose prohibited by the provisions of this Act. Any person or corporation willfully violating its provisions shall be fined in any sum not exceeding \$1,500.00.

§ 12. No money shall be paid or expense authorized or incurred by any candidate for election to any office, be paid by him in excess of the following sums: At any election for Governor, \$3,000; for any election to Congress, \$2,500; for any election to a county office, including members of the Senate and House of Representatives, \$200; by any candidate for municipal office, \$250, provided, however, that any candidate may expend in his campaign for election to any office a sum not exceeding twenty-five per centum of one year's salary of the office which he seeks, provided that nothing herein contained

shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided. Any candidate violating the provisions of this section shall be punished by a fine of not exceeding \$1,000.00, or confinement in the county jail not exceeding twelve months, or both so fined and imprisoned.

§ 13. For the purposes of this Act the expenses or contributions of any ascendant, or descendant, brother, sister, uncle, aunt, nephew, niece of any candidate, or of any official of a corporation, shall be considered as the expenses or contributions of the candidate himself or herself.

§ 14. No money shall be spent and no expense authorized or incurred on behalf of any candidate for nomination or election to any office, or on behalf of any political party or organization except for lawful expenses. Such expense to only be incurred and settled for in the way and manner provided for in section one of this Act. Lawful expenses as used in this Act are limited to expenses for the following purposes only:

- (1) For the candidate's official filing fee.
- (2) For the certifying and verifying of the nomination papers.
- (3) For the candidate's personal traveling expenses.
- (4) For rent and necessary furnishing of halls or rooms during his election or candidacy for office, for public meetings or for committee headquarters.
- (5) For the payment of traveling expenses of speakers and the hiring of musicians at public meetings and for their necessary traveling expenses.
- (6) For printing and distribution of pamphlets, circulars, newspapers, cards, hand-bills, posters and announcements relative to candidates, political issues or principles, provided, however, that such printing of pamphlets, circu-

lars, hand-bills, posters and announcements shall not be published except as provided in Section nine of this Act.

(7) For making canvasses of voters.

(8) For clerk hire.

(9) For conveying infirm or disabled voters to and from the polls.

(10) For postage, expressage, telegraphing and telephoning relative to candidacy, provided, however, that the lawful expenses above enumerated shall not exceed altogether the sum mentioned and referred to in Section eleven of this Act.

§ 15. No payment of money shall be made and no expenses shall be incurred by any person in the aid of or for or on behalf of any candidate, or on account of or in respect of the conduct or management of the election held within this State, except by the committee selected under the provisions of section one of this Act. All expenses shall be paid only from the fund in the custody of said committee so selected as required by this Act. Any contract for the payment of money, or any expense incurred, contrary to the provisions of this section, shall be absolutely void.

§ 16. No person or candidate for nomination or for election to a public office or party position shall pay, lend or contribute, or offer, or agree to pay, lend or contribute, any money or other valuable consideration to or for any person, either for:

(1) The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to primary or general elections; or,

(2) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise

to evade arrest or escape conviction and punishment for such crime or offense; or,

(3) Providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct or ward or district, with the purpose of securing the vote of such person for himself, or any other person, at an election held within the State; or,

(4) The hiring or employment of a person to take or maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place of an election precinct; or,

(5) In consideration of any person withdrawing as a candidate for public office at any election held within the State; or,

(6) For any purpose in contravention of the provisions of this Act; or,

(7) Making any payment after the time limited by this Act, unless the same is authorized as provided by this Act, or unless it be in satisfaction of a judgment obtained against him, whether before, during or after an election, in respect of or on account of such election, or who refuses or neglects to file the statement prescribed by section 3 of this Act, or who makes or files a false statement thereof, or is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this Act. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 17. No person shall make any payment of his own money, or of the money of any other person in connection with any nomination or election in any other name than that of the person who really supplies such money, nor shall any person knowingly receive such money or thing of value, and enter it into his accounts in any other name than the name

of the person who really supplies the same; provided, that the money received from the treasurer of any political organization may be so entered. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 18. No holder of any public office or position not filled by the voters, or a benevolent order or association thereof shall contribute to the nomination or the election of any person to public office, provided that this prohibition shall not apply to any person holding an appointive office or position the term of which is fixed by law. No person shall invite, demand or accept payment or contribution from such persons for campaign purposes. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 19. No person shall demand, solicit, ask or invite any payment or contribution from any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for office. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 20. No person shall demand, solicit, ask or invite any candidate for public office to subscribe for the support of any club or organization, or to buy tickets to any entertainment, or ball, or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the payments to any organization, religious, charitable, or otherwise, of which he was a member, or to which he was a contributor, for more than six months before his candidacy, nor to any ordinary contribution at church services. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 21. No person, party or organization shall pay any person for loss or damage due to attendance at the polls at any election, or any registry therefor, or for the purpose of such registration. Any person or corporation violating the provisions of this section shall be punished by fine not exceeding \$1,000.00.

§ 22. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(1) To give, offer, or promise any office, place or employment, or to promise to procure, or endeavor to procure, any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

(2) To make any gift, loan, promise, offer, procurement or agreement, as aforesaid, to, for or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

(3) To procure, or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at such election.

(4) To advance or pay or cause to be paid, any money or other valuable thing, to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money, or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

(5) To advance or to pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person

at any place or domicile in any election precinct, or ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

(6) To advance or to pay, or cause to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison.

(7) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate for any convention, organized assemblage of delegates, or other body, representing or claiming to represent a political party or principle, or any club, society or association, for a public office, or in consideration of the election or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society or association, having voted to select or indorse any person as a candidate for a public office.

(8) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for public office.

Any person violating the provisions of this section shall be punished by a fine not less than \$10.00 nor more than \$1,000.00, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 23. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(1) To receive, agree or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place or employment, for himself or any other

person for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining, or agreeing to refrain from voting for any particular person or persons at any election.

(2) To receive any money or other valuable thing during or after an election, on account of himself, or any other person, having voted or refrained from voting for any particular person or persons at such election, or on account of himself, or any other person, having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or persons, or to come or remain away from the polls at such election.

(3) To receive any money or other valuable thing, before, during or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Any persons wilfully violating the provisions of this section shall be punished by fine not less than \$50.00 nor more than \$1,000.00, or by confinement in the county jail for not less than one month, nor more than twelve months.

§ 24. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly or fraudulently acts in contravention or violation of any provisions of such laws, shall be guilty of a misdemeanor, and punished by a fine

not exceeding \$1,000.00 and confinement in the county jail not exceeding twelve months.

§ 25. A person offending against any provision of this Act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or to prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

§ 26. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become, a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of the election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Any person wilfully violating the provisions of this section shall be punished by fine of not less than \$50.00, nor more than \$1,000.00, or confinement in the county jail for not less than one nor more than twelve months, or both such fine and imprisonment.

§ 27. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence, or to inflict, or threaten infliction, by himself, or through any other person, of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person,

in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to depend, induce or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It shall be unlawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any hand-bill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as to individuals, and any corporation violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than \$50.00 nor more than \$5,000.00, and in addi-

tion shall forfeit its charter or its right to do business in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by fine of not less than \$50.00 nor more than \$1,000.00, or confined in the county jail for not less than one nor more than twelve months.

§ 28. If the Commonwealth's Attorney of any district or County Attorney of any county, shall be notified by any officer or other person of any violation of any of the provisions of this Act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such Commonwealth's Attorney or County Attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any Commonwealth's Attorney or County Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this Act, he shall be deemed guilty of a misdemeanor and fined in a sum not exceeding \$1,000.00 and his office shall be forfeited. It shall be the duty of the Commonwealth's Attorney or the County Attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this Act. Any citizen may employ an attorney to assist said Commonwealth's Attorney or County Attorney to perform his duties under this Act, and such attorney shall be recognized by the said Commonwealth's Attorney and County Attorney as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reason of the Commonwealth's Attorney or County Attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

§ 29. Any person or candidate who shall violate any provision of this Act, for which no other penalty is fixed, shall be guilty of a misdemeanor, and punished by a fine not exceeding \$1,000.00 or confinement in the county jail not exceeding twelve months, or both so fined and imprisoned, and in addition to the punishment prescribed by law, forfeit any office to which he may have been elected at the election in reference to which such crime or offense was committed, and if the candidate so offending is the incumbent of an office of profit or trust under the laws of this State, he shall thereby forfeit his office. Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this Act, and such payment is made for any purpose, which, if the money was expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

§ 30. Any twenty-five voters of the State, or of any political division thereof, may contest the right of any person to nomination, position or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provision of this Act or of any other provisions of law relating to nominations and elections, any defeated candidate for said nomination, position, or office may make said contest. Said procedure shall be commenced by petition filed in the circuit court of the county in which the candidate whose election is contested resides, and the contest shall be carried on as now provided by law.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nomi-

nated, and the person so declared nominated shall have his name printed on the official ballots.

§ 31. When upon the trial of any action or proceedings under this Act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from or deprived of his nomination, position or office.

§ 32. Any action under this Act contesting any nomination or election must be commenced within thirty days after the day of the election unless the ground of action is discovered from the statements filed under this Act, in which event the action must be commenced within thirty days after such discovery. Any action to annul any nomination or election of any person for offices mentioned in this Act, must be filed in the circuit court of the county in which the person resides whose right to the nomination, position or office is contested.

§ 33. Any corporation organized under the laws of this State, or doing business in this State, may be brought into the circuit court on the ground of the deliberate serious and material violation of this Act by proceedings begun and con-

tinued in substantially the same form as is required in the case of contesting the nomination or election of any candidate for public office under this Act. The petition shall be filed in the circuit court of the county in which the corporation has its principal office, or in which the violation of this Act is averred to have occurred. If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said Act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thousand dollars, or the said court may forfeit the charter of said company if it is a company organized under the laws of this State, or it may revoke its authority to do business in this State.

§ 34. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this Act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this Act shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

All Acts or parts of Acts inconsistent herewith are hereby repealed and whereby the provisions of this Act hereby create an emergency, this Act shall take effect from and immediately after its passage and approval by the Governor.

Mr. Glenn moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the calendar bills of the following titles, viz.:

H. B. 76. An Act to amend an Act entitled "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at the general elections, and prescribing penalties for the violation thereof," which Act became a law March 5, 1912.

S. B. 153. An Act to amend Section 3290 in Subdivision 2 of Article 4, Chapter 89 Kentucky Statutes.

S. B. 191. An Act to amend Section 188 of the Criminal Code of Practice.

S. B. 192. An Act to regulate the introduction of expert testimony in civil and criminal trials.

S. B. 193. An Act to amend Section 203 of the Criminal Code of Practice.

The Constitutional provision as to the second reading of said bills being dispensed with, same were severally read by their titles and ordered placed in the Orders of the Day.

Mr. Montgomery moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

TUESDAY, MARCH 10, 1914.

The Senate was opened with prayer by the Rev. Father Joseph H. Flynn, of the Catholic Church.

On motion of Mr. Frost the Journal was approved as read.

Mr. M. O. Scott proposed the following resolution, viz.:

Be it resolved by the Senate of the Commonwealth of Kentucky:

That J. Howard Williams, Thomas F. Bagby, Hiram M. Brock, and J. R. Zimmerman, members of the Kentucky Senate, be allowed the sum of \$10.35 each, for re-payment of moneys spent by them in attending the funeral and burial of Senator John W. Berkshire, at Petersburg, Kentucky, while acting as a special committee from the Senate, each of said Senators having spent the above mentioned amount for the following purposes:

Ticket via C. & O, Frankfort to Louisville.....	\$ 1.65
Ticket and berth on sleeper, Louisville, Kentucky, to Lawrenceburg, Indiana	3.85
Breakfast at Reagan Hotel, Lawrenceburg, Ind.....	.50
Fare on boat Lawrenceburg to Petersburg and return....	.25
Ticket, Lawrenceburg to Cincinnati, Ohio.....	.50
Supper at Dennison restaurant, Cincinnati, Ohio.....	.50
Ticket, Cincinnati to Lexington, Ky.....	2.45
Fare, Lexington to Frankfort on interurban.....	.65
	<hr/>
	\$10.35

Be it further Resolved, That said sums be paid out of the contingent fund of the Senate, and that the Auditor of Public Accounts be and he is hereby directed to draw his warrants on the Treasurer in favor of the aforesaid J. Howard Williams, Thomas F. Bagby, Hiram M. Brock and J. R. Zimmerman, for the sum of ten dollars and thirty-five cents each.

The question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	R. M. Salmon
Charles Arnett	Webster Helm	M. O. Scott
T. F. Bagby	J. B. Hiles	Robert H. Scott
W. W. Booles	D. H. Hildreth	G. G. Speer
Hiram M. Brock	C. Holman	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
Nim. R. Cobern	C. F. Montgomery	W. F. Welch
John H. Durham	W. B. Moody	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	
Seldon R. Glenn	Sam. L. Robertson	—28

Mr. Vincent, of the Committee on Congressional Districts and Reapportionment, to which had been referred a bill of the following title, viz.:

S. B. 356. An Act to create the Seventh and Tenth Congressional Districts of Kentucky.

Reported the same without an expression of an opinion.

Mr. Welch moved that the rules be suspended and that said bill be read at length and placed on the calendar.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, to which had been referred a bill of the following title, viz.:

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the Public.

Reported the same with a favorable recommendation.

Mr. Overstreet, of the Committee on Appropriations, to which had been referred a bill of the following title, viz.:

S. B. 355. An Act to allow the Auditor three thousand dollars with which to employ additional clerks and to allow the Treasurer two thousand dollars with which to employ additional clerks.

Reported same with a favorable recommendation.

Mr. Cobern, of the Committee on Insurance, to which had been referred a bill of the following title, viz.:

S. B. 317. An Act to amend Section 655, Chapter 32, Article IV, Sub-division 11 of the Kentucky Statutes relating to life insurance.

Reported same with a favorable recommendation.

Said bills were severally read at length for the first time and ordered placed on the calendar.

A message was received from the House of Representatives announcing that it had concurred in the Senate amendments to House Resolution 20, and Senate Bill 183, and had

passed bills, and adopted resolutions of the following titles, viz.:

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

H. Res. 30. Resolution appropriating \$131.83 to be paid the State Journal Company for printing five thousand copies of Tax Commission Report.

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

Said bill and resolutions ordered printed and were referred as follows, viz.:

H. B. 387. To the Committee on Rules.

H. Res. 30. To the Committee on Rules.

H. Res. 32. To the Committee on Rules.

The President of the Senate referred H. B. 45 to the Committee on Revenue and Taxation instead of the Committee on Rules, the committee to which said bill had been heretofore referred.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate of the following title, viz.:

S. B. 84. An Act to amend and re-enact Section 579 and Section 584, Kentucky Statutes, Carroll's Edition 1909, so that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

And found the same correctly enrolled.

Said bill was then compared by the clerks in open session of the Senate and found to be correctly enrolled. Whereupon, the President affixed his signature thereto, and it was delivered to the Clerk of the House of Representatives for comparison, and for the signature of the Speaker of that body.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz.:

H. B. 27. An Act creating a State Text Book Commission to adopt for use in the common schools of Kentucky a uniform series of text books, regulating the price thereof and defining the powers and duties of said commission, and the method of selection of such text books and their distribution, prescribing penalties for the violation of this Act, and repealing Chapter 13 of the Acts of General Assembly of Kentucky, approved March 15, 1910.

H. B. 295. An Act to provide for the uniform accounting and inspecting of the public offices of this Commonwealth.

And found the same correctly enrolled.

Said bills were then compared by the clerks in open session of the Senate and found to be correctly enrolled. Thereupon, the President affixed his signature thereto, and they were returned to the Committee to be delivered to the House of Representatives.

A message was received from the Governor, by his Private Secretary, in writing as follows, viz.:

Commonwealth of Kentucky

Executive Department.

Frankfort, Kentucky, March 10, 1914.

To the Senate and House of Representatives of Kentucky:

I will have a reception at the Executive Mansion on Wednesday evening, the 11th of March, from 8 to 11 o'clock, and will be pleased to meet Senators, representatives, state officials, subordinates, and all persons who will honor me with their presence.

JAMES B. McCREARY, Governor.

Mr. Frost, of the Committee on Rules, called from the calendar a bill of the following title, viz.:

H. B. 63. An Act to establish an insurance and annuity fund for teachers in public schools in cities of the second class in the State of Kentucky, and to regulate the collection, payment, and disbursement thereof.

The constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read by its title and ordered placed in the orders of the day.

The Senate then took up for further consideration a bill of the following title, viz.:

S. B. 80. An Act to regulate elections, to provide for campaign contributions, to control and regulate the contribution and expenditure of campaign funds, and to control and regulate contributions made for campaign purposes to further the election of any party organization or person, and fixing penalties therefor.

(For said bill see Journal of yesterday.)

Mr. Zimmerman moved that said bill be referred to the Committee on Rules for further consideration, with leave to report at any time.

Mr. Brock moved to amend said motion by adding thereto as follows: That S. B. 252 be considered with said bill.

Said amendment was agreed to.

The question was then taken up on the motion made by Mr. Zimmerman as amended, and it was decided in the affirmative.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill of the following title, viz.:

S. B. 48. An Act creating a depository guaranty fund and providing for its administration.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each and every corporation which may hereafter be incorporated under the laws of this State, with banking and discounting privileges and each banking and trust company in this State heretofore or hereafter incorporated under said laws shall protect its depositors in the manner hereinafter prescribed by availing itself of the depositors' guaranty fund herein provided for.

§ 2. A State Banking Board is hereby created, which Board shall be composed of the Attorney General, Commissioner of Banking and the Treasurer of this State. Said board shall have the control and management of the depositors' guaranty fund hereinafter provided for, and shall have the power to adopt all necessary rules and regulations in harmony with this Act for the management of said fund, and shall have the power of the regulation, control and supervision of all State banking corporations and trust companies as hereinafter provided in this title.

§ 3. There is hereby levied against the capital stock, of each and every bank and trust company now or hereafter organized and existing under the laws of this State an annual assessment equal to one-fourth of one per centum, and no more, of its average daily deposits, not including United States or other public funds, if otherwise secured, during its continuance as a banking corporation, provided its application is approved by the State Banking Board as hereinafter prescribed for the purpose of creating a Depositors' Guaranty Fund. Such fund so created shall be known as the Depositors' Guaranty Fund of the State of Kentucky, and shall be used solely for the purpose of liquidating deposits of failed banks and retiring warrants provided for in this Act.

The assessment for the year 1914 shall be payable immediately after this Act takes effect, and shall be computed on the average daily deposits of the year 1913. Thereafter the annual assessment shall become due and payable on the first day of March each year and all assessments shall be computed on the average daily deposits for the preceding year.

§ 4. The fund provided for in this Act shall be paid to the State Banking Board as follows: Twenty-five per centum of each payment required of each such bank or banking and trust company shall be paid to said board in cash, and shall be by it deposited for safe keeping only with the State Treasurer, as bailee for the State Banking Board, and

shall be paid out by the State Treasurer on warrants drawn by the order of said board; and said fund shall never be diverted from the purpose specified in this Act, nor shall it ever be considered State funds. The remaining seventy-five per centum of each payment required shall be paid by each such bank or banking and trust company crediting the State Banking Board with such amount as a demand deposit subject to check upon the order of said board. It shall be the duty of said board to keep, at all times, twenty-five per centum of the amount of said funds deposited with the State Treasurer in cash as provided herein.

§ 5. It shall be the duty of the State Banking Board to keep an accurate account of the condition of the Depositors' Guaranty Fund, showing all collections from assessments and assets of failed banks, and from all other sources, together with the disbursements of said fund and the certificates of indebtedness outstanding, or other obligations chargeable against the same, and send each bank operating under the laws of this State a quarterly financial statement showing the exact condition of the Depositors' Guaranty Fund.

§ 6. When the Depositors' Guaranty Fund shall amount to as much as two per centum of the average daily deposits of the State banks, computing upon the last preceding annual statements of such average deposits of said State banks, over and above all certificates of indebtedness, or other obligations chargeable against the same, the Banking Commissioner shall notify all banks and trust companies subject to this Act, at least thirty days before the first annual payment; and thereafter they shall not pay any further amount into the said fund until said fund be depleted. In the event of the depletion of said fund from any cause, so that it falls below an amount equal to two per centum of the said average daily deposits of State banks, or below the amount of the guaranty fund on March 1st, preceding, or in

the event of necessity to meet an emergency at any time, the State Banking Board shall have authority to require the payment for the current year of one per centum of such average daily deposits or such part thereof as may be necessary to restore said fund to the maximum above named, or to its amount as of March 1st, preceding, or to meet the emergency; but no bank or trust company coming under the provision of this Act shall ever be required to pay more than one per centum of said average daily deposits for any one year.

§ 7. Authority to make from time to time, assessments against the capital stock of State banks operating under the banking laws of this State is hereby expressly conferred upon the said State Banking Board and said board shall have authority to make all necessary rules and regulations not inconsistent with the laws of this State for the purpose of collecting and equalizing the assessments and the amount paid thereon among the banks operating under the banking laws of this State.

§ 8. State Bank and Trust Companies organized less than one year prior to the taking effect of this law, or hereafter organized, on approval of their applications, as provided for in the succeeding section shall pay into said guaranty fund three per centum of the amount of their capital stock and surplus, which amount shall constitute a credit fund, subject to the adjustment on the basis of their deposits as provided for other banks now existing, at the end of one year; provided, however, that said payment shall not be required of banks and trust companies formed by the reorganization or consolidation of banks that have previously complied with the terms of this Act.

§ 9. The State Banking Board shall admit to the benefits and protection of this Act only such banks and trust companies as, in its opinion, are solvent and properly officered and conducted, and shall prescribe the form of application and statements which shall be made by each and every bank and

trust company, and which shall be sworn to by two of the chief officers of the bank, blank copies of which application and statement shall be mailed to each bank and trust company in this State at least ten days before this Act requires the initial payment, and which shall be filled out, signed and sworn to and returned promptly to said board; and such copies shall be mailed to any other bank within this State on request. Should said board decline the application of any bank or trust companies, it shall state the grounds of such declination to such institution, and whether the objections can be removed, and the conditions thereof.

§ 10. If at any time, the Depositors' Guaranty Fund on hand shall be insufficient to pay the depositors of failed banks or other indebtedness properly chargeable against the same, the Banking Board shall have authority and be required to issue certificates of indebtedness to be known as the "Depositors' Guaranty Fund Warrants of the State of Kentucky," in order to liquidate the deposits of failed banks, or any other indebtedness properly chargeable against said Depositors' Guaranty Fund.

Depositors' Guaranty Fund Warrants of the State of Kentucky shall bear six per centum interest from date of issue, payable annually, and shall be issued in such form as may be prescribed by the Banking Board, and shall constitute a charge and first lien upon the Depositors' Guaranty Fund when collected, as well as a first lien against the capital stock, surplus and undivided profits of each and every bank operating under the banking laws of the State of Kentucky, to the extent of liability of any such bank to the Depositors' Guaranty Fund under the provision of this Act, and said Banking Board shall have authority to negotiate or otherwise dispose of such Depositors' Guaranty Fund Warrants, at not less than par value, in such manner as it may see fit, to facilitate the liquidation of the failed banks.

All warrants issued by the Banking Board shall be paid

serially in the order of their issuance from any funds on hand as provided for by the terms of this Act.

§ 11. Any trust company, building and loan association, or insurance company, organized under the laws of this State, may invest its capital and surplus in Depositors' Guaranty Fund Warrants authorized to be issued by this Act, and any foreign corporation, which under the laws of this State is required to deposit securities in the office of the State Treasurer, in order to do business in this State, may deposit Depositors' Guaranty Fund Warrants in lieu of any other securities required by law to be so deposited. The officers having charge of any sinking fund of the State, or of any county, city, town, township or school district thereof, may invest the sinking fund of the State, or of such county, city, township or school district in warrants issued under the provisions of this Act, and said warrants shall constitute security for the deposit of any public funds, and for the investment of trust funds, and said warrants shall be non-taxable for any purpose whatsoever.

§ 12. No deposit in a State Bank, otherwise secured shall be protected by or paid out of the Depositors' Guaranty Fund created under this Act, nor included in the computation of average daily deposits as a basis for assessments.

No deposit in any State bank on which there is a greater rate of interest allowed or paid, either directly or indirectly, than is permitted by the rules of the Banking Commissioner, shall participate in the benefits of the Guaranty Fund.

§ 13. Any National Bank in this State may voluntarily avail its depositors of the protection of the Depositors' Guaranty Fund, upon the same terms, payments, conditions and in the same manner as herein provided for State banks; provided, that in the event National banks should be required by Federal enactment to pay assessments to any bank guaranty fund of the Federal government, and thereby the deposits in National banks in this State should be guaranteed by virtue of Federal laws, the National banks having availed them-

selves of the benefits of this Act, may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by said banks.

§ 14. Whenever any State bank or trust company shall become insolvent and shall voluntarily, or by law, or in any manner as provided in this Act, come into the hands of the Commissioner of Banking, he may proceed to wind up its affairs, either through a receiver or through some competent person, who shall give bond as may be required by the board, payable to the board, for the faithful performance of all duties imposed upon him. Said bond may be recovered upon for the benefit of said guaranty fund, or any part at interest. On taking possession of the property and business of any such State bank, the Commissioner shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals holding or in possession of any assets of any such State bank.

§ 15. No bank, trust company, association or individual, knowing of such taking possession by the Commissioner, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred, against any of the assets of the State bank, of whose property and business the Commissioner, shall have taken possession as aforesaid.

§ 16. Upon taking possession of the property and business of such State bank, the Commissioner is authorized and shall collect moneys or debts due and claims belonging to such State bank, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs, thereof, as provided in this Act.

§ 17. Upon the order of the district court, if in session, or the judge thereof, if in vacation, the Commissioner may sell, or compound all bad or doubtful debts, and on like order may sell all the real or personal property of such bank or trust company upon such terms as the court or judge thereof may direct, and may, if necessary, pay the debts of such

bank, or trust company, and enforce the liabilities of the stockholders, officers and directors; provided, however, that bad or doubtful debts used in this section shall not include the liability of stockholders, officers or directors.

§ 18. The Commissioner may, under his hand and official seal, appoint one or more special agents to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the Commissioner, and a certified copy in the office of the clerk of the county court in which such State bank was located and transacted business. The Commissioner, may, from time to time, authorize a special agent to perform such duties connected with such liquidation and distribution as the said Commissioner may deem proper. He may employ such counsel and procure such expert assistance as may be necessary in the liquidation and distribution of the assets of such State banks and may retain such of the officers or employees of such State bank as he may deem necessary.

§ 19. The Commissioner shall require from a special agent, and from such assistance, such security for the faithful discharge of their duties as he may deem proper.

§ 20. The Commissioner shall cause notice to be given, by advertisement in such newspapers as he may direct, weekly, for three consecutive months, calling on all persons, who may have claims against such State banks to present same to the Commissioner, and make legal proof thereof, at a place and within a time not earlier than the last day of publication, to be therein specified, which notice shall contain a statement in larger type than that in which the body of such notice is printed, specifically stating that all such claims of guaranteed depositors must be presented and legal proof thereof made at the place designated within forty-five days after the date when the property and business of such State bank was taken possession of by the Commissioner, and that all claims of guaranteed depositors presented after expiration of forty-five days shall not be entitled to payment of any portion

thereof out of the Depositors' Guaranty Fund. The Commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the State bank.

§ 21. If the Commissioner doubts the justice and validity of any claim, he may reject the same, and serve notice of such rejection upon the claimants, either by mail or written notice personally served. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the Commissioner. The action upon the claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to the creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the Commissioner equitably applicable thereto.

§ 22. Upon taking possession of the property and assets of such State bank, the Commissioner shall make an inventory of the assets of such bank in duplicate, one to be filed in the office of the Commissioner, and one in the office of the clerk of the county court of the county in which such State bank was located and transacting business; upon the expiration of the time fixed for the presentation of claims, the Commissioner, shall make a full and complete list of the claims presented, including and specifying such claims as have been rejected by him and showing fully all claims and amounts paid to guaranteed depositors out of the Depositors' Guaranty Fund, and the amount to which said fund is entitled by reason of its subrogation to the rights of such guaranteed depositors so paid, and all amounts held by him on account of claims of guaranteed depositors, which have been rejected, or are in dispute, one to be filed in the office of the clerk of the county court of the county in which such State bank was located and transacted business. Such inventory and list of claims shall be open at all reasonable time to inspection.

§ 23. All compensation of special agents, counsel, and other employees and assistants, and all expenses of super-

vision and liquidation, shall be fixed by the Commissioner, subject to the approval of the district court, if in session, or the judge, thereof, if in vacation, of the district in which such State bank was located and transacted business, on notice to such State bank; provided, that the compensation of such special agents shall always be the same as is provided by law for State Bank Examiners and shall, upon the certificate of the Commissioner, be paid out of the funds of such State bank in the hands of the Commissioner.

§ 24. The moneys collected by the Commissioner shall be, from time to time, deposited in one or more State banks, and in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits.

§ 25. At any time after the expiration of the date fixed for the presentation of claims, the Commissioner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends and after the expiration of one year from the first publication of a notice to creditors, he may declare a final dividend, such dividends to be paid to such persons and in such manner and upon such notice as may be directed by the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business.

§ 26. In the declaration and payment of all such dividends, the Depositors' Guaranty Fund shall be entitled to receive, as its dividend such portions of the amounts due and payable to guaranteed depositors as shall have been paid to them out of the Depositors' Guaranty Fund, together with six per centum interest thereon, from the date or dates upon which checks were drawn upon all State banks, as hereinafter provided for the payment of the guaranteed deposits of such State banks, and the Commissioner shall forthwith distribute such dividends to the State banks upon which checks were drawn for such payment of guaranteed deposits in proportion to the amount of such checks respectively.

§ 27. Objections to any claims not rejected by the Com-

missioner may be made by any party interested, by filing a copy of such objections with the Commissioner, who shall represent the same to the district court, if in session, or the judge thereof, if in vacation, at the time of the next application to declare a dividend.

§ 28. The court may make proper provisions for unproved or unclaimed deposits.

§ 29. Whenever, any such State bank, of whose property and business the Commissioner has taken possession, as aforesaid, deems itself aggrieved thereby, it may, at any time, apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank was located and transacted business, to enjoin further proceedings; and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application, or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank.

§ 30. Whenever the Commissioner shall have paid to each and every depositor and creditor of such State bank (not including stockholders, except for the amount of their deposits over and above their liability under the law as stockholders), whose claim or claims as such depositor or creditor shall have been duly proven and allowed, the full amount of such claims and shall have repaid to the Depositors' Guaranty Fund all amounts paid of it to guaranteed depositors of such State bank, together with six per centum interest thereon, from the date when the checks to provide for such payment were drawn, and shall have made proper provisions for unclaimed and unpaid deposits of dividends, and shall have paid all the expenses of the liquidation, the Commissioner shall call a meeting of the stockholders of such bank, by giving notice thereof for thirty days in one or more

newspapers in the county where such bank was located and transacted business. At such meeting, the stockholders shall determine whether the Commissioner shall continue as liquidator, and shall wind up the affairs of such bank, or whether an agent or agents shall be elected for that purpose, and in so determining, the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote; and a majority of the stock shall be necessary to a determination.

§ 31. In case it is determined to continue the liquidation under the Commissioner, he shall complete the liquidation of such corporation, and after paying the expenses thereof, shall distribute the proceeds among the stockholders in proportion to the several holdings of the stock, in such manner and upon such notice as may be directed by the district court.

§ 32. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall, thereupon, select such agent or agents by ballot, the majority of the stock present and voting, in person or by proxy, being necessary for a choice. Such agent or agents, shall execute and file with the Commissioner a bond, in such amount, with such securities and in such form, as shall be approved by the Commissioner, conditioned for the faithful performance of the duties of his or their trust.

§ 33. Upon the filing and approval of such bond, the Commissioner shall transfer and deliver to such agent or agents all the undivided and unclaimed or other assets, of such State bank then remaining in his hands; and upon such transfer and delivery, the said Commissioner shall be discharged from any further liability to such State bank and its creditors and stockholders.

§ 34. Such agent or agents shall convert the assets coming into his or their hands into cash, and shall account for, and make distribution of, the property of said State bank, as herein provided in the case of distribution by the

Commissioner, except that the expense thereof shall be subject to the direction and control of the district court, if in session, or the judge thereof, if in vacation, of the district in which such State bank was located and transacted business.

§ 35. In case of the death, removal, or refusal to act, of such agent or agents, the stockholders, on the same notice to be given by the Commissioner, upon proof of such death, or removal or refusal to act, being filed with him, and by the same vote herein provided, may select a successor, or successors who shall have the same power and be subject to the same liabilities and duties as the agent or agents originally elected.

§ 36. Dividends and unclaimed deposits remaining unpaid in the hands of the Commissioner for six months after the order for final distribution shall be by him deposited in some State bank to be designated by the State Banking Board to the credit of the Commissioner in his name of office, in trust for the several depositors with, and creditors of, the liquidated State bank, from which they were received, who are entitled thereto.

§ 37. The Commissioner shall show in his official report the names of the State banks so taken possession of and liquidated, and the amounts of unclaimed and unpaid deposits or dividends, with respect to each of them respectively.

§ 38. The Commissioner shall pay over the money so held by him to the persons respectively entitled thereto, upon the order of the State Banking Board, who shall direct such payments to such persons upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the State Banking Board, may require an order of the district court, if in session, or the judge thereof, if in vacation, authorizing and directing the payment thereof.

§ 39. The State Banking Board may apply the interest

earned by the moneys held by the Commissioner or may authorize him to apply the same towards defraying the expense incurred in payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive same, and the Commissioner shall include in his official report, a statement of the amount of interest earned by such unclaimed dividends.

§ 40. In the event the Banking Commissioner shall take possession of any bank or trust company, subject to the Depositors' Guaranty Fund provided in this Act, the depositors of said bank or trust company shall be paid in full out of the cash in said bank or trust company, that can be made immediately available from such bank; and the remainder shall be paid out of the Depositors' Guaranty Fund through the said board, in the event the cash available in said institution shall be insufficient; provided that deposits upon which interest is being paid, or contracted to be paid, directly or indirectly by said bank, its officers or stockholders, to the depositor and depositors otherwise secured, shall not be insured under this act, but shall only receive the pro rata amount which may be realized from the assets, resources and collection of and from such banks and trust companies, its stockholders and directors.

§ 41. The State shall have for the benefit of the Depositors' Guaranty Fund, a first lien upon all assets of such bank or trust company and liabilities owing or accruing to such bank or trust company in the event of the closing, as provided by law, of any such State Bank or trust company operating under the Depositors' Guaranty Fund herein created; which lien shall attach and be in force from the time such bank or trust company is legally closed, upon all the property and assets then in possession of such bank or trust company; provided, however, that any deposits, or debts not insured under this Act, and which are entitled to share in the assets shall share in the dividends and proceeds of such assets and collections pro rata or as may be provided by law.

§ 42. In the event the Depositors' Guaranty Fund or any part thereof, shall be used by said Banking Board to pay off the depositors of a national bank, which has accepted the provisions of this law, then said banking board shall receive from the receiver, or other officer in charge of said bank, the pro rata share of the proceeds of the assets and collections which would be due to said depositors to the amount so paid by the banking board.

§ 43. In the event of the voluntary liquidation of any bank or trust company operating under the provisions of the Depositors' Guaranty Fund, when it shall be made to appear to the State Banking Board that all depositors have been paid in full, said board shall return to such bank or trust company the pro rata part paid by it into such fund when unused.

§ 44. The Banking Commissioner shall deliver to each bank or trust company that has complied with the provisions of this Act, a certificate stating that said bank or trust company has complied with the laws of this State for the protection of bank depositors, and that safety to its depositors is guaranteed by the Depositors' Guaranty Fund of the State of Kentucky. Such certificate shall be conspicuously displayed in its place of business and said bank or trust company may print or engrave upon its stationery and advertising matter, words to the effect that its depositors are protected by the Depositors' Guaranty Fund of the State of Kentucky. Provided, however, that all banks operating under the guaranty law of the State of Kentucky shall be permitted to advertise that their deposits are guaranteed by the Depositors' Guaranty Fund, but that no bank shall be permitted to advertise its deposits as guaranteed by the State of Kentucky and any bank or bank officer or employe who shall advertise their deposits as guaranteed by the State of Kentucky, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment

in the county jail for thirty days or by both such fine and imprisonment in the discretion of the trial by court.

§ 45. After the Banking Commissioner shall have taken possession of any bank or trust company which is subject to the provision of this act the stockholders thereof, may repair its credit, restore or substitute its reserves, and otherwise place it in condition so that it is qualified to do a general banking business as before it was taken possession of by the Banking Commissioner; but such bank shall not be permitted to reopen its business until the Banking Commissioner after a careful investigation of its affairs, is of the opinion that its stockholders have complied with the laws, that the bank's credit and funds are in all respects repaired and all advances, if any, made from the Depositors' Guaranty Fund fully repaid, its reserves restored or sufficiently substituted and that it should be permitted again to open for business; whereupon, said Banking Commissioner is authorized to issue written permission for reopening said bank in the same manner as permission to do business is granted after the incorporation thereof, and thereupon said bank may be reopened to do a general banking business.

§ 46. Any bank or trust company which has complied with the provisions of this Act, shall be eligible to act as a depository of State Funds, or any funds under control of the State or any officer thereof upon compliance with the laws of this State, relating to the deposits of public funds.

§ 47. An emergency is hereby declared to exist for the immediate preservation of the public peace and safety and this Act shall be in full force and effect from and after its passage and approval.

§ 48. All Acts, and parts of acts in conflict herewith are hereby repealed.

Mr. Glenn proposed the following amendments, viz.:

Amend by striking out in line thirteen (13) Section

three (3) the word "immediately," and in line fourteen (14) of the same section the words "after this Act takes effect," and inserting in lieu of all of said words, the following: "July 1, 1914."

Amend by adding to Section 4 the following:

"Said twenty-five per centum of each payment required of each such bank or banking and trust company, to the State Banking Board, shall be counted in and be a part of the legal reserve of each such bank or banking and trust company.

"Under the authority and direction of the State Banking Board, the State Treasurer shall invest said fund held by him as bailee for the State Banking Board in State warrants, or other approved interest-bearing securities. The interest accruing from said State warrants or said securities, shall be carried to the credit of the assessment against the capital stock of each such bank or banking and trust company, provided in this Act, and shall be deducted from such assessment.

"In case of the failure of any bank or corporation coming under the provisions of this Act, the State Banking Board shall immediately turn said warrants or securities into cash, or such part thereof as shall be necessary to pay off the depositors of such failed bank or corporation."

Amend by striking out Section forty-seven (47) of said Act.

Said amendments were agreed to.

Mr. Speer moved that the session be extended until the matter under consideration be disposed of.

Said motion was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. J. Bale	Robert H. Scott	J. H. Williams	
Seldon R. Glenn	Mitchell Vincent		—5

Those who voted in the negative were—

Robert Antle	W. A. Frost	T. J. Moore	
Charles Arnett	Walker C. Hall	W. B. Moody	
T. F. Bagby	J. B. Hiles	H. G. Overstreet	
W. W. Booles	D. H. Hildreth	Sam. L. Robertson	
Joe F. Bosworth	C. Holman	R. M. Salmon	
J. Will Clay	Hite Huffaker	G. G. Speer	
Nim R. Cobern	Chas. H. Knight	J. T. Tunis	
John H. Durham	S. L. Marshall	W. F. Welch	
John F. Ford	C. F. Montgomery		—26

Resolved, That the title of said bill be as aforesaid.

Mr. Speer moved to reconsider the vote by which the Senate had rejected said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Arnett moved that the rules be suspended and that the Senate do now adjourn until three o'clock p. m. today.

Said motion was agreed to.

Pursuant to the order of adjournment at 3 p. m. the Senate reconvened.

A message was received from the Governor, by his Private Secretary, announcing that he had approved and signed bills which had originated in the Senate of the following titles, viz.:

S. B. 145. An Act amending Section 965, Kentucky Statutes, Carroll's Edition 1909, changing the time of holding Circuit Court in the Twenty-ninth Judicial District as to Casey County.

S. B. 164. An Act to impose further duties upon the State and county and city boards of health, physicians and others, in regard to the prevention of blindness in this Commonwealth.

A message was received from the Governor, by his Private Secretary, in writing, as follows, viz.:

March 10, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate will appoint the following Notaries Public for their respective counties in Kentucky:

Adams, Wm., Jr., Barren, Rocky Hill Station, Ky.

Angel, G. B., Laurel, Elvira, Ky.

Askton, W. L., McCreary, Marsh Creek, Ky.

Atkinson, J. C., Christian, Apex, Ky.

Blackerby, H. S., Bracken, Brooksville, Ky.
Brown, Alvin R., Daviess, Owensboro, Ky.
Campbell, Mrs. Florence, Estill, Irvine, Ky.
Conyers, M. J., Warren, Bowling Green, Ky.
Cason, P. E., Boone, Burlington, Ky.
Cox, Foster V., Nicholas, Carlisle, Ky.
Davis, Alma, Jefferson, Louisville, Ky.
Davidson, Harry H., Jefferson, Louisville, Ky.
Eifort, Hazel A., Boyd, Ashland, Ky.
Fenwick, Emma L., Henderson, Henderson, Ky.
Fox, R. Palmer, Jefferson, Louisville, Ky.
Fugeman, F. L., Boyd, Catlettsburg, Ky.
Gates, L. W., Jefferson, Louisville, Ky.
Graves, M. M., Todd, Trenton, Ky.
Graves, Claude H., Todd, Trenton, Ky.
Helm, T. K., Jefferson, Louisville, Ky.
Helm, Jas. P., Jr., Jefferson, Louisville, Ky.
Holland, G. Allison, Fayette, Lexington, Ky.
Hickey, Edward F., Jefferson, Louisville, Ky.
Hackworth, Hettie E., Bullitt, Brooks, Ky.
Hindman, V. M., Breathitt, Jackson, Ky.
Harrison, B. O., Jefferson, Louisville, Ky.
Hines, S. D., Warren, Bowling Green, Ky.
Isbell, Ira B., Warren, Bowling Green, Ky.
Kirley, Mar T., Jefferson, Louisville, Ky.
Landrum, Mizie, Breathitt, Lost Creek, Ky.
Laurent, J. S., Jefferson, Louisville, Ky.
Marses, J. D., Bell, Tinsley, Ky.
McFarland, Attie, Russell, Jamestown, Ky.
McIntosh, John S., Owsley, Cow Creek, Ky.
McClure, M. E., Grant, Dry Ridge, Ky.
Neal, J. B., Livingston, Pinckneyville, Ky.
Owens, B. N., Fayette, Lexington, Ky.
O'Donnell, John J., Mason, Maysville, Ky.
Patrick, M. F., Magoffin, Salyersville, Ky.
Porter, L. B., Warren, Bowling Green, Ky.

Penrod, Sam H., Muhlenberg, Ennis, Ky.
Robey, Rebecca D., Simpson, Franklin, Ky.
Read, A. L., Allen, Scottsville, Ky.
Rutherford, R. M., Jefferson, Louisville, Ky.
Ruddell, S. H., Christian, Red Hill, Ky.
Speck, Granvill E., Warren, Richardsville, Ky.
Spurrier, R. H., Grayson, Clarkson, Ky.
Smith, Hazel M., Campbell, Newport, Ky.
Swinford, U. M., Nicholas, Carlisle, Ky.
Shelton, Thos. A., Madison, Union City, Ky.
Stroud, Anna, Muhlenberg, Central City, Ky.
Stanberry, N. J., Laurel, Fletcher, Ky.
Strouse, Lee, Kenton, Covington, Ky.
Shubinski, Angie, Fayette, Lexington, Ky.
Thorne, Wm. P., Henry, Eminence, Ky.
Tonnies, J. T., Kenton, Covington, Ky.
Voige, J. Howard, Campbell, Ft. Thomas, Ky.
Wade, Frank H., Christian, Pembroke, Ky.
Ward, E. C., Henderson, Henderson, Ky.
Winans, Maggie, Warren, Bowling Green, Ky.
Zitt, Irvin C., Campbell, Newport, Ky.

Respectfully,

JAMES B. McCREARY,
Governor of Kentucky.

Mr. Frost moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, reported the following resolution and moved its adoption:

The Chief Clerk of the Senate is hereby directed to draw his warrant upon the Auditor of Public Accounts for the sum of one hundred and two dollars and forty cents, in

favor of J. Ben Salmon, Sergeant-at-Arms of the Senate, for the money expended for the purpose of postage stamps for the mailing of the Governor's message, rent of post office box, for the use of membership of the Senate, mileage to Lexington, Ky., in serving subpoena and other necessary expenses incurred in the performance of his duties as Sergeant-at-Arms. Said sum to be appropriated out of the Contingent Fund of the Senate not otherwise appropriated out of the Treasury.

The question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the House of Representatives of the following title, viz.:

H. B. 134. An Act to prevent the making or use of false statements to obtain property on credit and making certain offenders personally liable.

And found the same correctly enrolled.

Said bill was then compared by the clerks in open session of the Senate, and found to be correctly enrolled. Whereupon, the President affixed his signature thereto, and it was returned by the Clerk to the House of Representatives.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and sub-sections 3, 4 and 5 of Section 20 of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition, to

provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the Revenues derived from said Houses of Reform.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 118 of the Acts of 1910, and subsections 3, 4, and 5 of section 20 of Chapter 65a of the Kentucky Statutes, Carroll's Edition, 1909, be repealed, and in lieu thereof the following be enacted:

20. The children of white and colored races committed to said institution shall be provided with separate apartments.

1. The Superintendent of the House of Reform shall cause the inmates to be employed at such labor and during such hours as may be designated by the Prison Commissioners of Kentucky, and he shall pay into the State Treasury the proceeds of the labor of the inmates, and all other income and receipts of the institution as they are received by him.

2. The expenses of said institution, including the salaries of all employes, shall be paid out of the State Treasury upon a warrant drawn by the Auditor. The Superintendent thereof shall, at the end of each month, certify to the Board of Prison Commissioners all bills, accounts and other indebtedness and expenses of said institution on behalf of the inmates thereof incurred during the preceding month, including the salaries of the officers and employes thereof, and shall furnish said board itemized statements of all such claims, and upon approval thereof by the Board of Prison Commissioners, certified by the chairman thereof, the Auditor of Public Accounts shall draw his warrant in favor of

the claimant therefor on the State Treasurer, and the same shall be paid.

3. Before the Board of Prison Commissioners shall be authorized to appoint or employ any person to be assigned to said Houses of Reform, they shall present to the Governor a written statement setting forth the necessity for the employment of such person, the duties to be performed by such person, and the amount said person is to receive for the services to be performed and they shall also state whether the person so employed is to receive board and lodging. If the Governor approves the employment, he shall so indicate it by his written indorsement on said statement, which shall be filed with the Auditor of Public Accounts.

4. It shall be lawful for said Superintendent to use and apply in kind to the maintenance of the said institution and the inmates thereof, any and all the products of the farm, dairy and other departments or industries of the institution.

5. The Superintendent of the Houses of Reform, and all other officers or employes of said Houses of Reform who are charged with the duty of receiving, handling and disbursing money or other property belonging to the Commonwealth of Kentucky, or for the use and benefit of the House of Reform, shall, before entering upon the discharge of their duties, execute to the Commonwealth of Kentucky bond with approved security in the sum of \$10,000, for the faithful discharge of their respective duties, which bond shall be upon a form prepared or approved by the Attorney General.

All acts and parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the

question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	J. B. Hiles	Dr. H. G. Sanders
T. F. Bagby	D. H. Hildreth	M. O. Scott
W. J. Bale	C. Holman	Robert H. Scott
W. W. Booles	Chas. H. Knight	J. T. Tunis
Hiram M. Brock	S. L. Marshall	Mitchell Vincent
John H. Durham	C. F. Montgomery	W. F. Welch
John F. Ford	W. B. Moody	J. H. Williams
W. A. Frost	H. G. Overstreet	J. R. Zimmerman
Seldon R. Glenn	Sam. L. Robertson	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill of the following title, viz.:

S. B. 15. An Act to secure the registration of plumbers and supervision and inspection of plumbing and drainage in cities of the first and second class.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person now or hereafter engaging in or working at the business of plumbing in cities of the first or second class of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing fixtures or material, shall first receive a certificate in accordance with the provisions of this Act.

§ 2. That within ninety days after this act becomes a law, and thereafter, all persons engaged in or working at the business of plumbing in this State, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the Board of Examiners hereinafter provided for, and shall at such time and place as the board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the board may prescribe. The examination shall be of such a character as to thoroughly test the applicant's ability both practically and theoretically.

§ 3. There shall be in every city of the first and second class in this State, a board of examiners of plumbers consisting of four members, two of whom shall be master plumbers and two journeyman plumbers. Said board shall be appointed by the mayor and approved by the general council, or by the board of trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent of the fees collected for examinations as hereinafter provided for. No person shall be eligible as member of this board who has not served a regular apprenticeship and

worked as a practical journeyman for a period of five years or more.

§ 4. All members of such board shall be citizens and actual residents of the cities in which they act.

§ 5. The Board of Examiners of Plumbers shall within twenty days after their appointment, meet and shall then designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material, and it shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a certificate of competency. The board shall keep and preserve a record of all persons examined by them and to whom a certificate of qualification has been issued. All certificates of qualification issued under the provisions of this Act must be renewed by the holders thereof every five years and said holder of a certificate must be actually engaged in the business of plumbing at the time of making application for renewal of certificate but upon renewal no examination shall be required. For each certificate or renewal of a certificate the board shall collect five dollars, to be paid into the treasury of the city in which said board acts.

§ 6. The board constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing and drainage in the city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may from time to time add to, amend or alter such rules.

After the board as aforesaid has prepared its code of rules or any amendment or alteration thereof, the same shall be communicated to the general council or board of trustees of the city in which the said board is appointed and acts, and within ninety days after the same has been submitted to said general council or board of trustees, that body shall by proper action either accept said rules and regulations and incorporate them as part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the board. In the event the general council or board of trustees rejects the code of rules or any part thereof as reported by the board of plumbing examiners as herein provided, then the general council or board of trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

§ 7. The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all materials and fixtures, including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra light lead pipes, bends and traps, and all combination lead and iron or combination lead and brass ferules, bends or traps; but there shall be employed only the best known methods of jointing lead or iron pipes by the use of heavy cast brass ferrules properly wiped with solder to lead.

§ 8. In all cities of the first and second class there shall be appointed by the mayor of the same, one chief plumbing inspector and such number of deputy inspectors as the general council or board of trustees of said city may designate, said city plumbing inspector and deputy inspector shall be appointed by the mayor, and approved by the general council or board of trustees of said city within ninety days after the passage of this law for the term of one year from the

first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the general council or board of trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years' practical experience in the business of plumbing, and he shall not be connected in any way with any firm or incorporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 9. The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted by the city or board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 10. The plumbing department of every city of the first or second class in this State, consisting of the examining board, the chief inspector and his deputies shall be under the supervision of the board of health of said city, and the chief inspector shall make a complete report of this department to said board of health at the end of each year.

§ 11. By the term of plumbing as in this act used is

included all work of every character connected with the installation or repair of any plumbing fixture or material connected with the drainage of buildings or property; likewise all work requiring connections with street sewers or water mains or with plumbing ventilation.

§ 12. Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under the authority herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars or more than fifty dollars for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the board as hereinbefore provided.

§ 13. All Acts and parts of Acts inconsistent with the provisions herein contained are declared to be repealed.

§ 14. The operations of this Act shall apply only to cities of the first and second class.

§ 15. Nothing in this act shall be construed as involving or affecting any plumbing now installed.

Mr. Robertson proposed the following amendment, viz.:

Amend by striking out the words in Section 1, line 2, "or second;" in Section 3, line 1, "and second;" in Section 8, line 1, "and second;" in Section 10, line 1, "or second;" in Section 14, line 2, "and second;" in title, "and second."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the

question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	Dr. H. G. Sanders
T. F. Bagby	J. B. Hiles	M. O. Scott
W. J. Bale	Hite Huffaker	Robert H. Scott
Hiram M. Brock	Chas. H. Knight	J. T. Tunis
J. Will Clay	S. L. Marshall	Mitchell Vincent
John H. Durham	W. B. Moody	J. H. Williams
John F. Ford	H. G. Overstreet	J. R. Zimmerman
W. A. Frost	Sam. L. Robertson	
Seldon R. Glenn	R. M. Salmon	—25

There voted in the negative—

C. Holman	—1
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Resolved, That the title of said bill be as aforesaid.

Mr. Robertson moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill of the following title, viz.:

S. B. 268. An Act to amend an Act of March 5, 1898, entitled: "An Act to create a Board of Penitentiary Commissioners and to regulate the penal institutions of this Commonwealth," as further amended by an Act of March 1, 1912,

and to provide for the discontinuance of the contract system of prison labor.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled: "An Act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," which became a law without the signature of the Governor of this Commonwealth, on March 5, 1898, which said act was further amended by an Act which became a law March 1, 1912, be, and the same is hereby amended by adding to said act as amended the following:

§ 2. From and after the passage of this act no contract whatsoever shall be made by which the labor or time of any inmate of any penal, correctional or reformatory institution of this State, or the product or profit of his work shall be let, contracted for, leased, farmed out, given or sold to any person, firm or corporation, except that the inmates of such institution may work for, and the product of their labor may be disposed of to the State or any political subdivision thereof, or to any public institution, owned, managed or under control, of the State or of any political subdivision thereof, or any other institution, supported in whole or in part by State or county taxation, said work being for the purpose and according to the provisions of this act. Provided, however, that nothing herein contained shall affect any existing valid contract for prison labor; and provided further, that no existing contract for such labor shall be renewed or extended unless such renewal or extension was made a valid part of said contract at the time of the making thereof; and provided

further, that during the continuance of said valid contract the prison contractors shall be subject to all the provisions contained in Sections 13, 14, 15, 16 and 17 of the act hereby amended, as **said sections existed** before the amendment now made thereto was passed.

§ 3. The Board of Prison Commissioners shall cause all the inmates of **such institutions who are physically capable** thereof, to be employed for such periods of time per day, and on such days as the Board of Prison Commissioners shall determine. Such employment shall be either for the purpose of the manufacture or production of supplies for such institution, or for the State, or for any political subdivision thereof, or for any public institution owned, managed, or under control of the State, or of any political subdivision thereof, or any other institution supported in whole or in part by State or county taxation; or for the preparation or manufacture of building material for the construction or repair of State, penal, reformatory or correctional institutions; or for the purpose of industrial or scholastic training and instruction; or for the making of such products or the doing of such work as may be lawfully made or done by such inmates, for any of the institutions above mentioned; or for the production for sale to private individuals or corporations of such products or commodities as are not now produced in the Commonwealth of Kentucky by free labor, or partly for one and partly for the other of such purposes.

§ 4. The proper authorities charged with the duty of purchasing supplies for all departments of the State or any political subdivision thereof, and of all public institutions owned, managed or under the control of the State, or of any political subdivision thereof, and of all other institutions supported in whole or in part by State or county taxation, are authorized and directed to purchase through the Board of Prison Commissioners all articles or supplies manufactured under the provisions of this act, in the penal, correctional or

reformatory institutions of this State, needed for use in such institutions and departments and political subdivisions, and they shall not purchase any supplies or articles that are manufactured under the provisions of this act in said penal, correctional or reformatory institutions from any other source; unless the said Board of Prison Commissioners shall first certify on requisition made to it that such articles or supplies cannot be furnished, or unless articles or supplies of the same kind and quality can be purchased elsewhere at a less price.

§ 5. On or before January first and July first in each year, the proper authorities charged with the duty of purchasing supplies for all departments of the State or any political subdivision thereof, and all public institutions owned, managed or under the control of the State or any political subdivision thereof, and all other institutions supported in whole or in part by State or county taxation, shall report to the Board of Prison Commissioners estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them, that can be furnished by said penal, correctional or reformatory institutions of the State. The Board of Prison Commissioners is authorized to make regulations for said reports, and to provide for the manner in which requisitions shall be made for supplies.

§ 6. The said Board of Prison Commissioners shall have power to determine the cost of production of any article, manufactured as herein provided for, and the price at which said articles are to be sold as herein provided for, and for this purpose may establish a uniform system of accounting and cost of production for materials and labor provided for in this act.

§ 7. It shall be the duty of said Board of Prison Commissioners to secure the employment of as many inmates of the penal, correctional and reformatory institutions of this State as may be employed advantageously in agricultural

pursuits; and all surplus products resulting from such industries, over and above those required for the use of those institutions where produced, shall be disposed of in the same manner as all other products.

§ 8. The said Board of Prison Commissioners shall cause to be prepared information containing a description and price list of all articles manufactured under the provisions of this act, and such information shall be sent to the proper authorities charged with the duty of purchasing supplies for all the departments and institutions to which the provisions of this act apply. The receipt of said information by said authorities shall be sufficient notice to them that the articles described in said information are, or about to be manufactured in the penal, reformatory or correctional institutions of this State.

§ 9. There shall be set aside from the earnings of those inmates of penal, correctional and reformatory institutions, as are employed under the provisions of this act, a sum equal to one and one-half cents for each hour of labor performed by each of said inmates, which said sum of money shall be distributed as follows:

If said inmate has dependent on him for support a wife, child or children, parent or parents, ninety per cent of said earnings shall be paid in monthly installments as earned, for the support of said dependents; and such payments may be made in the discretion of the Board of Prison Commissioners, either directly to said dependents, or through such organized charitable institution or agent as exists within close proximity to said dependents. The remaining ten per cent of said earnings shall be paid to him at such time or times as the Board of Prison Commissioners may determine. If said inmate has no person as above defined, dependent upon him for support, then not less than seventy-five per cent of his earnings shall be retained until the said inmate shall be paroled or released by expiration of sentence, at which said

time said accumulative earnings shall be paid to him in cash. So much of the remaining twenty-five per cent of his said earnings as the said Board of Prison Commissioners may deem wise may be paid to him from time to time during his said period of imprisonment, and the remainder unpaid at the time of his said parole or release shall be paid to him with the seventy-five per cent above provided for.

§ 10. The Board of Prison Commissioners shall, with the approval of the State Board of Sinking Fund Commissioners, expend such sums as may be necessary for the purchase of the necessary machinery and supplies for carrying out the provisions of this act, not exceeding the sum of Thirty Thousand (\$30,000) Dollars.

§ 11. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Arnett moved that the rules be suspended and that the Senate resolve itself into a Committee of the Whole to hear Col. Daniel E. O'Sullivan speak on said bill.

Said motion was disagreed to.

The Committee on Penal and Reformatory Institutions proposed the following amendment, viz.:

Amend Senate Bill No. 238 as follows:

Section 2. By adding at the end of said section this sentence:

"Provided, however, that the Prison Commissioners may at their option, enter into contracts for the labor of such prisoners as may not be employed; but no contract entered into or renewed shall expire at a later date than July 1, 1916."

Section 3. By adding after the words "free labor," near the end of said section these words:

“Or that will come in hurtful competition with free labor in this State.”

Section 9. By striking out the whole of said section.

Section 10. By adding these words at the end thereof: “Provided, however, that any money realized from the work of said convicts under the provisions of this Act, shall be covered into the State Treasury, and shall be credited to the institution producing such money; and the Prison Commissioners may with the approval of the Board of Sinking Fund Commissioners, use such money for the continuance and extension of the work provided for in this Act.”

After the word “dollars” in Section 10, the following words be added:

“In addition thereto the Board of Prison Commissioners are authorized to employ expert mechanics to enable them to put this Act in operation, to be paid as other officers are paid.”

Said amendment was agreed to.

Mr. Hiles moved that the amendment be again read.

Said motion was disagreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	W. A. Frost	Dr. H. G. Sanders
T. F. Bagby	Seldon R. Glenn	Robert H. Scott
W. W. Booles	Walker C. Hall	J. T. Tunis
Joe F. Bosworth	D. H. Hildreth	Mitchell Vincent
Hiram M. Brock	Hite Huffaker	W. F. Welch
Nim R. Cobern	Chas. H. Knight	J. H. Williams
John H. Durham	S. L. Marshall	
John F. Ford	H. G. Overstreet	

—22

Those who voted in the negative were—

W. J. Bale	J. B. Hiles	G. G. Speer
J. R. Zimmerman		

—4

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill, and that said motion lie on the table.

Said motion was agreed to.

Mr. Glenn moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill of the following title, viz.:

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of banks, combined banks and trust companies, and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 20 of Chapter 4 of Acts of the General Assembly of 1912, which reads as follows, to-wit:

“No bank hereafter organized shall transact any business in this State without the written approval and certificate of the Banking Commissioner, stating that it has complied with the provisions of this Act, and with all the requirements of the law, and that it is authorized to transact, within this State, the business specified therein, and that the requisite capital has been in good faith subscribed and paid in cash. The Banking Commissioner shall not authorize any bank to commence business until it appears from an examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in cash,” be and the same is hereby repealed, and that the following be and the same is enacted in lieu thereof:

“Before filing the Articles of Incorporation of any proposed bank, trust company or combined bank and trust company in the office of the County Court Clerk in the county in which the bank is to do business, and with the Secretary of State, as is required by law, the incorporators shall present a copy of said articles of incorporation to the Banking Commissioner for his approval, and when same are approved in writing by said Commissioner, the incorporators may proceed to the filing and recording of same. Upon presentation of said articles of incorporation to the banking Commissioner for approval, said Commissioner shall carefully examine same, and shall make such inquiry and investigation as to the financial standing and moral character of each of the incorporators as he may deem necessary, and shall require said

incorporators to furnish satisfactory proof that each is worth over and above all exemptions and liabilities, at least double the amount of the par value of his stock subscription. He shall inform himself that the incorporators are seeking to establish a bona fide banking or trust business, and are acting in good faith, and upon his conclusions, he shall approve or refuse to approve said articles of incorporation. If such articles be approved, then the County Court Clerk and the Secretary of State, respectively, may receive said articles for filing and recording. Upon the filing and recording of said articles, and doing all other things required by the laws of the State, the said bank or trust company shall be deemed organized for the purpose named in its articles of incorporation, but no corporation seeking to do a banking or trust business shall actually transact any banking or trust business until it receives from the Banking Commissioner a certificate, in which it shall be set out that said corporation has fully complied with all the provisions of this Act, and other pertinent laws, and that the requisite capital has been, in good faith, subscribed and paid in cash."

§ 2. That Section 6 (entitled Bank Examiners), which reads as follows, to-wit:

"The first Banking Commissioner appointed under this Act shall, during the month after his own appointment and qualification, appoint three competent and suitable persons as State Bank Examiners, the term of office of two of whom shall be for two years from July 1, 1912, and the term of office of the remaining one shall be for four years from July 1, 1912. Thereafter the Banking Commissioner shall biennially, and during the month of June, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners, whose term of office expires July 1st following. The full term of office of every State Bank Examiner so thereafter appointed shall be four years, and shall begin on

the 1st day of July succeeding his appointment. Appointments to fill vacancies shall be for the unexpired term only. Each State Bank Examiner shall receive an annual salary of two thousand dollars (\$2,000.00), payable monthly out of the State Treasury, and shall be paid his necessary traveling expenses monthly, on properly itemized and verified accounts rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky," shall be amended by adding after the words "State of Kentucky," in the last line thereof, the following: "Provided: That as soon as this amendment becomes a law, the Banking Commissioner may appoint one Bank Examiner, in addition to those provided in the original Act, who shall have the same qualifications, and be paid the same salary and expenses, in the same manner, and whose duties shall be the same as prescribed in the original Act. Said additional Examiner shall be appointed for a term expiring on July 1, 1916; his successor shall be appointed for a term of four years from said date, during the month of June, 1916, and in the same manner as the successors to those examiners now in office are appointed," so that said section as amended, will read as follows, to-wit:

"The first Banking Commissioner appointed under this Act shall, during the month after his own appointment and qualification, appoint three competent and suitable persons as State Bank Examiners, the term of office of two of whom shall be for two years from July 1, 1912, and the term of office of the remaining one shall be for four years from July 1, 1912. Thereafter the Banking Commissioner shall biennially, and during the month of June, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners whose term of office expired July 1st following. The full term of office of every State Bank Examiner so thereafter appointed shall be four years, and shall begin on the first day of July succeed-

ing his appointment. Appointments to fill vacancies shall be for the unexpired term only. Each State Bank Examiner shall receive an annual salary of two thousand (\$2,000.00), payable monthly out of the State Treasury, and shall be paid his necessary traveling expenses monthly, on properly itemized and verified accounts rendered to the Banking Commissioner and approved by him and by the Auditor of the State of Kentucky: Provided, That as soon as this amendment becomes a law, the Banking Commissioner may appoint one other Bank Examiner, in addition to those provided in the original Act, who shall have the same qualifications, and be paid the same salary and expenses, in the same manner, and whose duties shall be the same as prescribed in the original Act. Said additional Examiner shall be appointed for a term expiring on July 1, 1916; his successor shall be appointed for a term of four years from said date, during the month of June, 1916, and in the same manner as the successors of those Examiners now in office are appointed.”

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Joe F. Bosworth	John H. Durham
T. F. Bagby	Hiram M. Brock	John F. Ford
W. J. Bale	J. Will Clay	W. A. Frost
W. W. Booles	Nim R. Cobern	Seldon R. Glenn

Walker C. Hall	C. F. Montgomery	Robert H. Scott
Webster Helm	W. B. Moody	G. G. Speer
J. B. Hiles	H. G. Overstreet	J. T. Tunis
D. H. Hildreth	Sam. L. Robertson	Mitchell Vincent
Hite Huffaker	R. M. Salmon	W. F. Welch
Chas. H. Knight	Dr. H. G. Sanders	J. H. Williams
S. L. Marshall	M. O. Scott	J. R. Zimmerman

—33

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 59. An Act to establish a Board of Examiners for Trained Nurses and to regulate the practice of professional trained nursing in the State of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That within thirty days from the time this act becomes effective the Governor of the State shall appoint a board to be known as "State Board of Examiners of Trained Nurses." Said board shall be composed of five members who shall be elected from a list of ten names proposed in writing by the Kentucky State Association of Graduate

Nurses. At the time of appointment, the members of said board must be actual residents of this State and engaged in the work of trained nurses. They shall have been graduated for a period of at least five years prior to their appointment from a reputable training school for nurses, and with the exception of those appointed as the first members of said board, shall have been registered under the provisions of this act. The members of said board shall hold their respective positions for four years and until their successors are appointed and qualified. Upon the expiration of their terms of office, the Governor shall appoint a new board of like number and qualification, but in making such appointments, he shall reappoint at least two of the members first appointed by him, such appointments to be made upon similar recommendations. The Governor shall have a right to remove any member of said board for a continued neglect of duty, and he shall have a right to fill all vacancies occurring in said board from time to time in the same manner as original appointments are provided for herein.

§ 2. Said board of examiners shall immediately after their appointment, or as soon as practicable thereafter, meet in the city of Frankfort and organize by the election of one of their number as president, who shall also be and act as inspector of training schools for nurses in this State, and a secretary, who shall also act as treasurer.

Three members shall constitute a quorum for the transaction of business, and said board shall have the right to enact such by-laws as may be necessary for their government, not in conflict with the laws of this State.

§ 3. Said board shall adopt a seal and the secretary shall keep a record of all the proceedings of said board, including a register of the names of all nurses and training schools for nurses registered under this act. Said register shall at all reasonable times be open to public inspection, and said inspector shall inspect all training schools for nurses

existing in the State of Kentucky, and shall register such schools as fulfill the requirements of this act. Said board shall cause the prosecution of all persons violating the provisions of this act, and may incur all necessary expenses in so doing.

§ 4. The salary of the secretary shall be fixed by the board and shall not be less than \$100 nor more than \$500 per annum. The other members of the board shall receive \$5 per day for each day actually engaged in attendance upon the meetings of said board, and the expenses incurred in going to and coming from the place of meetings, and inspection of training schools for nurses, and all legitimate and necessary expenses incurred in attending such meetings. All expenses of the board, including all salaries and compensation, shall be paid from the fees received by said board, "by the State Treasurer upon monthly itemized statements, of salaries and expenses, submitted to the State Auditor, out of said fund exclusively." A report of all receipts and expenditures shall be made to the Governor on or about December 15th of each year after the passage of this act. All moneys and receipts of such board shall be kept in a special fund by and for the use of said board exclusively by the Treasurer of the Commonwealth of Kentucky.

§ 5. It shall be the duty of the board to meet for the purpose of holding examinations not less than once in each year, at such time and place as they may determine, and the board may adopt rules for its government and examination of applicants for registration in accordance with the provisions of this act. Notice of the meetings of said board shall be published in two newspapers of general circulation, and in at least one journal devoted to the interests of professional nursing, and after applications are received, notice by mail to every applicant and to every reputable training school in this State at least thirty days prior to the meeting. At such meeting it shall be the duty of said board to examine all

applicants for registration under the provisions of this act, as are required to be examined, and to issue to each duly qualified applicant, who shall have complied with the provisions of this act and pass such examination, a certificate of registration. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county clerk of the county in which such person resides at the time of application, and such person shall be prepared, whenever requested, to exhibit such certificate or a certified copy thereof. Registered nurses changing residence in this State must present certificate of registration to the county clerk of the county of their new residence within thirty days of the time of establishing such new residence. All applicants for registration shall furnish satisfactory evidence that he or she is at least twenty-one years of age, of good moral character, and has been graduated from a school for nurses connected with a special hospital, or infirmary, or general hospital approved by said board, where a systematic course of at least two years' instruction is given, except in the cases hereinafter provided for, and all persons registered under the provisions of this act shall pay to the treasurer of said board a registration fee of ten dollars, which shall accompany the application. "And shall annually thereafter pay to said treasurer a renewal fee of one dollar, all of which shall be covered into the State Treasury."

§ 6. Before any person, except those herein specifically excepted, shall be given a certificate of registration, such person shall be required to undergo an examination of said board touching his or her qualifications as a trained nurse, and shall pass the same to the satisfaction of the majority of said board. The examination to be given such applicants by said board shall be of such character as to determine the fitness of the applicant to practice professional nursing, and shall include the following subjects, namely: Practical nursing,

surgical nursing, obstetrical nursing, hygiene, contagion, diet cooking, materia medica, anatomy, physiology, gynecology, and all other matters deemed necessary and proper by said board to be required of, to establish the fitness and qualification of the applicant.

§ 7. All graduate nurses, who are honorably engaged in nursing at the time of the passage of this act, and have been residents of the State of Kentucky for six months prior thereto, and who shall show to the satisfaction of the board that he or she is of good moral character and was graduated from training school connected with a special hospital or infirmary, or a general hospital of good reputation as such school, and who in other respects meets the requirements of this act, shall be entitled to be registered and given a certificate of registration without examination, provided the written application to be so registered shall be filed by such persons with the secretary of the board on or before August 1, 1914, and all persons who have in good faith been honorably engaged in the practice of trained nursing under a diploma received by them prior to the year 1893, after one year's training in a reputable school, shall in like manner be entitled to a certificate of registration without examination upon the payment of the registration fee of \$10.

All nurses in training at the time of the passage of the act in a reputable training school supplying a systematic training, corresponding to the above standard, provided they graduate therefrom, shall, upon receiving a diploma from said school, be entitled in like manner to register without examination.

§ 8. Applicants shall be registered and given a certificate of registration who shall present a certificate of registration from another State, territory or foreign country, where the requirements for registration shall be deemed by said board to be equivalent to those provided for in this act, such applicants paying the fee of \$10 for such certificate.

§ 9. It shall be unlawful for any person to practice nursing as a trained nurse without having obtained a certificate of registration as herein provided.

§ 10. The said board of examiners may refuse to issue a certificate of registration provided for in this act for any of the following causes:

(1) Presentation to the board of any license, certificate or diploma which was illegally or fraudulently obtained, or the practice of fraud or deception in passing examination.

(2) The commission of a crime or misdemeanor though he or she may never have been convicted of such offence.

(3) Chronic or persistent inebriety or addiction to a drug habit, which disqualifies the applicant to practice with safety to the public.

(4) Any act of dishonesty, gross incompetency or any act derogative to the standing or morals of the nursing profession, or any other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public, and said board may revoke a certificate for any of the causes for which it may refuse to grant a certificate under the provisions of this act.

§ 11. In all proceedings for suspension or revocation under this act, the holder of a certificate shall be furnished with a copy of the charges and shall be given at least thirty days to prepare a defense. He or she shall be heard by said board in person or by counsel, or both, as he or she may select, and at such hearing, and in all matters arising in the course of their duties, the president and secretary shall have authority to administer the oath, and in such hearing the board may take oral or written proof for and against the complaint as it may deem will best preserve the facts.

In case of refusal, suspension or revocation, the applicant or holder may appeal to the Kentucky State Association of Graduate Nurses at the first annual meeting thereafter,

whose decision by a majority vote upon such appeal shall be final.

§ 12. This act shall not be construed to interfere in any way with religious institutions which have charge of hospitals, and as such take care of sick in their home or institution, and this act shall not be construed to affect or apply to gratuitous nursing of the sick "either gratuitously or for compensation" by a friend or member of the family or to a person nursing the sick who does not in any way assume to be a trained graduate or registered nurse, or hold herself or himself out as discharging the duties of a trained "graduate or registered" nurse.

§ 13. Any person who has received a certificate according to the provisions of this act shall be styled and known as a registered nurse, and shall be entitled to append the letters "R. N." to his or her name, and no person shall assume or knowingly permit any other person to use such abbreviation "R. N." or any other words or figures after his or her name, or after the name of any other person for the purpose of indicating that such person is a registered nurse, unless registered as required by this act.

§ 14. Any person who shall practice as a trained nurse, or in any way represent himself or herself as a trained or registered nurse in this State without holding a certificate or registration as herein provided, or who shall violate any of the provisions of this act, shall be subject to a fine of not less than \$5 nor more than \$15, and each day such person shall practice or violate any provision of this act shall be deemed a separate offense.

§ 15. Any person who shall willfully make any false representations to such board in applying for a certificate of registration shall be guilty of a misdemeanor and upon conviction be fined not more than \$500.

§ 16. All certificates of registration issued by said board

shall be signed by the president and secretary of said board, and have the seal affixed.

§ 17. Every person receiving a certificate from said board shall cause the same to be recorded in the office of the county clerk of the county in which such person resides, and shall pay to the clerk the sum of fifty cents for recording the same.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	R. M. Salmon
Charles Arnett	Walker C. Hall	Dr. H. G. Sanders
W. J. Bale	Webster Helm	M. O. Scott
W. W. Booles	J. B. Hiles	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	S. L. Marshall	Mitchell Vincent
J. Will Clay	C. F. Montgomery	W. F. Welch
Nim R. Cobern	W. B. Moody	J. H. Williams
John H. Durham	T. J. Moore	J. R. Zimmerman
John F. Ford	H. G. Overstreet	
W. A. Frost	Sam. L. Robertson	—31

Those voting in the negative were—

T. F. Bagby	Hite Huffaker	Robert H. Scott	—3
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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Booles moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

WEDNESDAY, MARCH 11, 1914.

The Senate was opened with prayer by the Rev. Father Joseph A. Flynn, of the Catholic Church.

On motion of Mr. Arnett the reading of the Journal was dispensed with and the Journal approved.

Mr. Helm, of the Committee on Kentucky Statutes, to which had been referred a bill of the following title, viz.:

S. B. 263. An Act to repeal and re-enact Section 1840, Kentucky Statutes, Carroll's Edition 1909, relating to the powers of Fiscal Courts.

Reported the same with a favorable recommendation.

Said bill was read at length for the first time, and ordered placed on the calendar.

Mr. Arnett presented a petition from citizens of Jackson, Breathitt County, Kentucky, asking that Jackson be made a fourth class city, which was referred to the Committee on Rules.

Mr. Frost, of the Committee on Rules, called from the calendar bills of the following titles, viz.:

S. B. 317. An Act to amend Section 656, Chapter 32, Article 4, Sub-division 11 of the Kentucky Statutes, relating to life insurance.

H. B. 383. An Act relating to provisions in contracts giving to engineers and architects and other persons the power to make final awards and appraisements and to prevent the ousting of the jurisdiction of the courts by reason of such provisions.

S. B. 358. An Act to amend Section 747, Sub-division 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, Deputy and Clerks.

S. B. 323. An Act to place Hazard in the list of Fourth Class Cities.

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes, relating to the power to grant licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

H. B. 229. An Act to amend Chapter 75, of the Acts of the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

S. B. 324. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance.

S. B. 168. An Act to authorize the guardian of an infant and the committee of an idiot or lunatic to lease the real estate of such infant, idiot or lunatic for mining purposes.

S. B. 360. An Act to establish a restaurant in the State Capitol for the benefit of the General Assembly and the public.

S. B. 325. An Act to amend an Act for the government and regulation of the common schools of the State, being Section 4426a of the Carroll Edition of the Kentucky Statutes, approved March 24, 1908.

The constitutional provision as to the second reading at length of said bills being dispensed with, same were severally read by their titles and ordered placed in the orders of the day.

A message was received from the House of Representatives, announcing that it had passed bills, which originated in the House of Representatives, of the following titles, viz.:

H. B. 1. An Act empowering boards of trustees of all common graded schools, created by the vote of the people, to levy and collect an annual tax for the maintenance, operating and support of the graded schools in their respective districts.

H. B. 421. An Act to repeal and re-enact Section 4281a, Kentucky Statutes, relating to inheritance taxes.

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

H. B. 241. An Act requiring counties to furnish their own veterinary surgeons.

H. B. 459. An Act to amend an act entitled "An Act to amend Chapter 113, Article VIa, Carroll's Kentucky Statutes, 1909, Districts, Trustees, Teachers, Taxation." Approved March 11th, 1912.

H. B. 278. An Act authorizing the granting of license to certain graduates of medical schools without a State Board examination.

Said bills were ordered printed and referred to the Committee on Rules.

A message was received from the House of Representatives, announcing that it had concurred in a bill, which originated in the Senate, of the following title, viz.:

S. B. 104. An Act to amend Chapter 81, Article 1, entitled Liquors Intoxicating, of Kentucky Statutes, Carroll's Edition 1909, by repealing Sections 2554 and 2557 and enacting other provisions in lieu thereof.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 76. An Act to amend an Act entitled "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections, and prescribing penalties for the violation thereof," which Act became a law March 5, 1912.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 2 of Section 1 of said Act, which reads as follows:

“Section 2. By certificates of nomination signed and filed as herein provided.

“The provisions of this Act shall not apply to candidates for trustees of common schools or members of school boards where such nomination and election are required by law to be made by a separate ballot nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter, provided by law. This Act shall not be construed to repeal or effect in any way an Act entitled “An Act to amend an Act entitled ‘An Act for the government of cities of the second class in the Commonwealth of Kentucky,’ ” approved March 21, 1910, Chapter 50, Acts 1910, be the same and is now amended, by striking from said Section the words, “where such nomination and election are required by law to be made by a separate ballot,” and that same be re-enacted as amended, and when so amended and re-enacted, shall read as follows:

“2. By certificates of nomination signed and filed as herein provided. The provisions of this Act shall not apply to candidates for trustees of common schools or members of school boards nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter, provided by law. This Act shall not be construed to repeal or affect in any way an Act entitled, ‘An Act to amend an Act entitled An Act for the government of cities of the second class in the

Commonwealth of Kentucky,' approved March 21, 1910, Chapter 50, Acts 1910."

(2) That Section 2 of said Act, which reads as follows:

"2. United States Senators. Party candidates for the office of United States Senator shall be nominated by a preference vote in the manner provided herein for the nomination of other party candidates for the State at large. Candidates for the party nomination for United States Senator shall be voted for at the primary election held next before their election. In any case where, through a vacancy, a United States Senator is to be elected for an unexpired term, party candidates for said office shall be nominated at the last primary preceding the election at which said unexpired term is to be filled, provided that said vacancy occurred 70 days before said primary election, and not otherwise. If, under this Section, two candidates for the office of United States Senator are to be nominated by each party at the same primary election, candidates for the full term shall be grouped together, and candidates for the unexpired term shall be grouped together on the party ballots under appropriate headings. Party candidates for nomination for United States Senator shall have their returns canvassed in the same way as other party candidates for offices for the State at large, and they shall be entitled to have issued to them by the State canvassing board, or State Board of election commissioners, certificates of nomination to the successful candidate or candidates of each political party, which certificates of nomination shall be filed with the Secretary of State and shall become a public record in his office; and the Secretary of State shall, on the first Tuesday in January next, after such certificates of nomination of party candidates for the office of United States Senator have been filed in his office, report the same to each House of the General Assembly separately as soon as each of said Houses have organized. The candidate receiving the highest number of votes in a primary nominating election for the office for which he is a candidate shall be declared the nominee of his

political party for such office, and he shall be entitled immediately to receive his certificate of nomination when such fact is ascertained," be repealed, stricken from the Act and held for naught.

(3) That Section 4 of said Act, which reads as follows:

"4. Unexpired Terms.—Candidates for unexpired terms to be filled at the November election shall be nominated at the primary next preceding such November election; Provided, that such vacancy occurred not less than seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the political parties," shall be and the same is hereby amended ner as may be determined by the governing authority of the primary election, the nomination shall be made in such man-by adding to the said Section after the word "parties" therein, the following:

"In the preparation of ballots hereinafter provided for, candidates for full terms shall be grouped together and candidates for unexpired terms shall be grouped together on the party ballots, under appropriate headings, so that the voter may easily distinguish the candidates for full terms and the candidates for unexpired terms," so that said Section, when amended, and re-enacted, shall read as follows:

"4. Unexpired Terms.—Candidates for unexpired terms to be filled at the November election shall be nominated at the primary next preceding such November election: Provided, That such vacancy occurred not less than seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the primary election, the nomination shall be made in such manner as may be determined by the governing authority of the political parties. In the preparation of ballots hereinafter provided for, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together on the party ballots, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms."

(4) That Section 5 of said Act, which reads as follows:

“5. Parties Required to Nominate in the Primary.—A political party within the meaning of this Act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise; Provided, That when a vacancy occurs after any nomination by death or otherwise the governing authority of such party may provide for filling such vacancies and making such nominations. And when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making the same, and shall be filed in the same manner as certificates of nomination at a primary nominating election: Provided, however, That where a political party has before the passage and approval of this Act made a nomination or nominations of candidates to be voted for at the November election in 1912, then no nominations by such parties for such offices shall be made in the primary election held under this Act in the year 1912; and provided further, that where a political party has before the passage and approval of this Act made a call under its party law for a primary election or convention for the nomination or nominations of its candidate or candidates to be voted for at the November election in 1912, then a nomination or nominations by such parties for such offices shall not be made in the primary election held under this Act in the year 1912,” be and the same is hereby amended by striking therefrom the following language:

“Provided, however, that where a political party has before the passage and approval of this Act made a nomination or nominations of candidates to be voted for at the November

election in 1912, then no nominations by such parties for such offices shall be made in the primary election held under this Act in the year 1912; and provided further, that where a political party has before the passage and approval of this Act made a call under its party law for a primary election or convention for the nomination or nominations of its candidate or candidates to be voted for at the November election in 1912, then a nomination or nominations by such parties for such offices shall not be made in the primary election held under this Act in the year 1912," so that said Section as amended and re-enacted shall be and read as follows:

"5. Parties Required to Nominate in the Primary.—A political party within the meaning of this Act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which at the last, preceding election at which presidential electors were voted for, cast at least twenty per cent of the total votes cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise: Provided, That when a vacancy occurs after any nomination by death or otherwise, the governing authority of such party may provide for filling such vacancies and making such nominations; and when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making same, and shall be filed in the same manner as to certificates of nomination at a primary election."

(5) That Section 6 of said Act, which reads as follows:

"6. Nomination Papers.—Any qualified elector who files his petition and the nominating petition of electors as herein-after provided, and is a member of a political party subject to the provisions of this Act, shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary election held under

the provisions of this Act. Said petition shall state the name, age, postoffice address, political affiliations, and all other legal qualifications of the candidate, and shall be in substantially the following form:

“To (address of the officer with whom the petition is to be filed) and to the members of the party of (State, county, district, city or town, or as the case may be),

“I reside at....., and my postoffice address is (give State, county, postoffice, street and number, or rural route). I am a member of the political party and affiliated with it and supported its nominees at the last regular election, and I am years of age and possess all the other legal qualifications necessary to entitle me to hold the office of (here state the name of the office for which he desires to be voted), to-wit: (here state all additional legal qualifications required for holding said office). If I am nominated for said office of at the primary election to be held on the first Saturday in August, next, I will accept the nomination and will not withdraw, and, if elected, I will qualify as such officer.

“Dated at on this, the day of 19.....

“Every candidate before a primary election held under this Act shall also file, or there shall be filed in his behalf, a nomination paper as herein provided, and the name of no candidate shall be printed on any ballot to be used at such primary election unless said nomination papers shall have been so filed. Said nomination papers shall be in substantially the following form:

“We, the undersigned, qualified electors of precinct , ward (to be altered to suit the precinct or ward concerned) county of , State of Kentucky, and members of the.....

..... party, hereby nominate
 who resides ta No. street, city of
, county of,
 State of Kentucky (or as nearly as the address can be given),
 as a candidate for the office of
 (here specify office), at the primary to be held on the first
 Saturday in August, 19....., as representing the principles of
 said party; and we declare that we intend to support the
 candidate herein named.

IN CITIES.

Name of Voter	Street	Number	Date of Signing

“All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having this form written at the top thereof.

“Each signer of a nomination paper shall sign but one such paper for the same office, except in cases where more than one office of the same kind are to be filled by the same voters, at the same election, in which case a voter may sign for as many candidates as there are offices to be filled, and for no more. Each signer of a nomination paper shall declare that he intends to support the candidate named therein. He shall add his residence and street number, if any, and the date

of signing. No nomination paper shall be circulated prior to 60 days before the date by which such paper is required to be filed, and no signature shall be counted unless it has been affixed to such nomination paper and bears the date within sixty days prior to the time for filing same.

“For all nominations as many sheets as necessary may be used for each precinct, but for offices to be filled wholly by the voters of one county or a part thereof, all signers of each separate sheet shall reside in the same precinct, and all sheets containing signatures from one precinct, shall be placed together before filing the nomination paper. For all offices to be filled by the electors of more than one county, all signatures on each separate sheet shall be residents of the same county, but not necessarily of the same precinct, and the form at the top of the sheets in a nominating paper for such offices shall read: ‘We, the undersigned, qualified electors of county,’ ” etc. All sheets containing signatures from one county shall be placed together before filing the nomination paper.

“No person who is not a qualified elector, and a member of a party making its nominations under the provisions of this Act, and who is not registered, if he lives in a precinct where registration is required, shall be qualified to join in signing any nominating petition; and no person shall sign any nominating petition of any candidate in any political party other than that of which such signer is a member, and with which he is registered, if he resides in a precinct where registration is required. Signatures contrary to the foregoing provisions shall not be counted,” be and the same is hereby repealed, and that there be and there now is enacted in lieu thereof, the following:

“Any qualified elector who is a member of a party within the meaning of this Act, and who has affiliated with and supported the nominees of the party at whose hands he seeks the nomination, as defined, elsewhere in this Act, shall have his name printed on the official ballot of his party for any office

to which he is eligible in any primary held under the provisions of this Act, upon filing with the proper officer at the proper time, a notification and declaration, which notification and declaration shall be in the following form, and shall be filled in as to all the requirements therein contained, and the person making same, before any officer qualified to administer an oath.

declaration therein shall be subscribed and sworn to by the

Said notification and declaration shall be in the following form:

NOTIFICATION AND DECLARATION.

OF

FOR NOMINATION TO THE OFFICE

Of

To (County

Court Clerk or Secretary of State, as case may be.)

Commonwealth of Kentucky,

..... County.

For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the

..... (name of party) party, I

..... (name in full as desired on the ballot) do

solemnly swear (or affirm), that I reside at No.,

Street, in the City of, County of

....., State of Kentucky, and that I am a registered

..... (party) voter in

Precinct, City of, that I believe in

the principles of said (name of

party) party, and intend to support its principles and policies,

and vote for its nominees at the coming general election, and

that I have affiliated with such party and that I supported its

nominees at the last general election, or was prevented from

doing so by reason of (state rea-

son here); that if nominated as a candidate of said

..... party at the said ensuing election, I will

accept such nomination and not withdraw; that I will not

knowingly violate any election law or any law defining or relating to corrupt and fraudulent practice in campaigns or elections in this State, and if finally elected, I will qualify for said office.

.....(Signature of Candidate).

Subscribed and sworn to before me by

..... (Signature of Officer)

this day of 19.....

.....(Title of officer).

“The said candidate shall at the time of filing his notification and declaration file therewith an affidavit of two reputable electors, members of the same party to which the applicant belongs, which affidavit shall be in the following form, and filled out so as to meet all the requirements indicated therein.

“Commonwealth of Kentucky,

..... County.

“We, and do solemnly swear (or affirm), that we are qualified electors and members of the(name of party) party, and have affiliated with said party, and supported its nominees at the last general election; that we are residents and legal voters of the City of, County of, State of Kentucky; that we are personally acquainted with who files the hereto attached notification and declaration, and we know him to be a discreet citizen, and a member of the party, and that to the best of our knowledge and belief, he has affiliated with and supported said party as defined in the primary election law; that he is a resident of the City, County and State set out in his notification and declaration, and we believe him to be qualified to fill the office of

.....
.....

(Signatures of affiants).

“Subscribed and sworn to before me by
and this day of
..... 19.....

..... (Signature of officer)

..... (Title of Officer).

“Said application and declaration, and the accompanying affidavits may be on the same or separate sheets, but shall be filed together and at the same time, and when so filed with the proper officer, it shall be the duty of said officer, upon the candidate’s compliance with the requirements of this Act as to payment of fees as elsewhere provided, to have printed the applicant’s name on the ballot according to the primary election law, under the penalties provided therein.”

(6) That Section 8 of said Act, which reads as follows:

“8. Number of Signatures.—For officers to be voted for by the electors of one county or a portion thereof, said nomination paper shall be signed by at least three per cent and by not more than ten per cent of the total vote of the party of the candidate in the city, county or district in which he seeks to be elected. For officers to be voted for by the electors of a district comprising more than one county and less than the entire State, said nomination paper shall be signed by at least two per cent and by not more than ten per cent of the vote of the party in each of at least one-half of the counties in such district: Provided, that for the office of Railroad Commissioner such nomination paper shall be required to have said percentage of signatures in only one-fourth of the counties in a railroad commission district. For officers to be voted for by the electors of the entire State, said nominating paper shall be signed by not less than two per cent and by not more than ten per cent of the vote of the party of such candidate in each of at least ten counties in the State,” shall be and the same is hereby repealed, and stricken out of said Act.

(7) That Section 9 of said Act which reads as follows:

“9. Basis of Percentage.—The basis of percentage in ing papers shall be the highest vote of any candidate of the

estimating the number of signatures required upon nominating party for elector at the last election for President," shall be and the same is hereby repealed and stricken from the Act, and the following is enacted and inserted in lieu thereof:

"9. Basis of Percentage.—Immediately after the expiration of the time for filing applications and declarations for places on the ballot, if it should appear that there is only one candidate who has filed the necessary papers for place on the ballot of any party on whose ballot he is entitled to have his name printed, the officer with whom such papers are filed shall issue to such candidate a certificate of nomination, which shall have the same force and effect as the certificate of nomination provided herein to be issued by the canvassing officers."

(8) That the first paragraph of Section 17 of said Act, which reads as follows:

"17. Ballots and Ballot Boxes.—There shall be a separate ballot for each political party subject to this Act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words 'Official Primary Ballot,' and at the head thereof shall be printed the words, 'Official Primary Ballot,' together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County Clerks as herein provided," shall be and the same is hereby amended by changing the period after the word "Emblem" in the tenth line thereof to a comma, and adding the following words: "And the ballots shall be numbered in consecutive order in all respects as is now provided for the stub to be numbered," so that said Section shall read:

"17. Ballots and Ballot Boxes.—There shall be a sepa-

rate ballot for each political party subject to this Act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words, 'Official Primary Ballot,' and at the head thereof shall be printed the words, 'Official Primary Ballot,' together with proper party name and the party emblem, and the ballots shall be numbered in consecutive order in all respects as is now provided for the stub to be numbered. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primray election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County clerks as herein provided."

(9) That Section 18 of said Act, which reads as follows:

"18. Number of Ballots.—There shall be provided and furnished at each primary, nominating election and each election precinct, fifty per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election, the County Clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the County Executive Committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each such precinct," shall be and the name is hereby amended, by adding after the word "precinct," in the last line thereof, the following:

"In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is to be held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women voters shall be treated in all respects like the ballots cast by male voters, and deposited in the boxes hereinbefore

provided for the respective parties," so that said Section shall read:

"18. Number of Ballots.—There shall be provided and furnished at each primary nominating election and each election precinct seventy-five per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election, the County Court Clerk shall furnish such number of ballots in such precinct as may be requested by the Chairman of the County Executive Committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each precinct.

"In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is to be held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women voters shall be treated in all respects like the ballots cast by male voters, and deposited in the boxes hereinbefore provided for the respective parties."

(10) That Section 19 of said Act, which reads as follows:

"19. Qualifications of Electors.—In addition to the special qualifications hereinafter prescribed, the same qualifications of electors shall apply in primary elections held under this Act, as are now required in regular elections. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as hereinafter provided, shall be entitled to vote in any primary unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered he shall be entitled to vote the ballot of the party with which he is registered, and no other. In

other precincts qualified electors shall be allowed to vote only the ballot of that party with which they declare their affiliation," shall be and the same is hereby repealed and stricken from the Act, and there be and there is enacted the following, which shall be inserted in lieu thereof:

"19. Qualifications of Electors.—Before a person shall be qualified to vote in the primary election herein provided for, he shall possess all the qualifications now prescribed by the constitution and as are now required of voters in regular elections. He shall, in addition to said qualifications, be a member of the party for whose nominees he intends to cast his vote, and shall have affiliated with said party and supported its nominees, and no person shall be deemed to have affiliated with the party for whose nominees he intends to cast his vote, if he voted against the nominee or nominees of such party at the last general election. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as herein provided, shall be entitled to vote in any primary unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered, he shall be entitled to vote the ballot of the party with which he is registered and no other. In other precincts, qualified electors shall be allowed to vote only the ballot of the party of which they are members, and with which they have affiliated and supported as defined herein. Provided that all minors who will become twenty-one years of age before the November election shall be entitled to vote in said primary by declaring the party of their choice. The qualifications above described shall apply to candidates and voters alike.

"In order to determine in case of doubt, any of the qualifications above mentioned, the judge of the election shall have

power to and he shall swear any person offering himself to vote as to any of said qualifications, and when so sworn, the judge shall direct the clerk to, and the clerk shall write upon the primary stub bearing the voter's name, the words 'sworn as to qualifications.' And any voter making a false statement as to any of his qualifications shall be liable to indictment and conviction for false swearing.

Any judge of an election knowingly receiving a vote of any elector who is not qualified as provided in this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined one hundred dollars for each offense, and any person so voting knowing that he is not qualified as provided in this Act, shall be guilty of a misdemeanor and upon conviction, shall be fined one hundred dollars for each offense, the fine in each case to be recovered upon information or indictment in any court having jurisdiction."

(11) That Section 27 of this Act, which reads as follows:

"27. Review by Court.—Whenever it shall be made to appear by affidavit filed in the Circuit Court that an error or omission has occurred or is about to occur in the placing of any name on an official primary ballot, or that an error or wrong has been committed or is about to be committed in printing such ballot, or in the performance of any duty imposed by this Act, the court shall order the officer or person charged with such error, wrong or neglect, forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not be compelled to do so. Failure to obey the orders of the judge or the court shall be contempt of the court and punishable as such. If the Circuit Court be not in session in the county, the circuit judge shall hear and determine the complaint in vacation, unless he be absent from the county, in which case said affidavit shall be filed before the judge of the County Court, who shall have full power to hear and determine the complaint and make appropriate orders therein. The orders of a court or judge under this Section shall be final and not appealable. Only candi-

dates may institute proceedings under this Section. In case a charge under this Section is directed against the Secretary of State or any other State officer, the affidavit shall be filed in the Franklin Circuit Court," shall be and the same is hereby repealed, and the following enacted and inserted in lieu thereof:

"27. Review by Court.—Whenever it shall be made to appear by affidavit accompanied by a motion, filed in the Circuit Court, as hereinafter provided, that an error or omission has occurred or is about to occur in the placing or failing to place the name of any candidate on the official primary ballot, or that an error or wrong has been or is about to be committed in the printing of said ballots, or any officer has failed or is about to fail to perform any duty imposed by this Act, the court shall order the officer or person charged with such error, wrong, neglect or failure to forthwith correct the error, desist from such wrongful act, to supply the failure, or to perform the duty, or show good cause why he should not be compelled so to do. Failure to obey the orders of the judge or court shall be treated as a contempt of court, and may be punished as such. Any officer whose duty it is to prepare or furnish ballots as required under this Act, who shall wilfully or neglectfully fail to do so, shall upon conviction therefor, be fined not less than one thousand (\$1,000) dollars nor more than two thousand (\$2,000) dollars for each offense and in addition thereto may be imprisoned in the county jail not less than sixty days nor more than six months. If the Circuit Court be not in session in the county, the Circuit Judge of the district in which the county lies shall hear and determine the matter. If the Circuit Judge of the district in which the county lies be absent from the district, then the motion and affidavit shall be filed before the Circuit Judge of a contiguous district, if he be therein at the time, and if not, then before any Circuit Judge in the Commonwealth. And any of the Circuit Judges above indicated shall have full power to hear the complaint during court or in vacation in a summary manner, and to determine

and make final orders therein, and when any such order is made, it shall be conclusive and not subject to appeal.

“Of the filing of the motion and affidavit, and the time and place of hearing thereon the officer or person against whom same is directed shall have notice, which notice shall be served as notices are directed to be served under the provisions of the Civil Code of Practice.

“Candidates only shall have the right to institute proceedings under this Section, and the candidates shall pay the costs of the proceeding.”

(12) That Section 30 of said Act, which reads as follows:

“30. County Clerks—Compensation.—For his services under this Act, the County Clerk shall receive the following fees and no other: For every nomination paper filed with him by a candidate, one dollar; for publishing the list of candidates before the primary, twenty-five cents for each candidate, and the cost of printing, for each name specially registered by him as hereinbefore provided, ten cents. All fees and expenses incurred under this Act shall be paid as other election expenses,” be and the same is hereby repealed and stricken from the Act, and that there be and is hereby enacted the following in lieu thereof:

“30. County Clerks—Compensations.—For his services under this Act, the County Clerk shall receive the following fees and no other: For every declaration filed by a candidate, one dollar, which is to be paid by the candidate upon the filing of his declaration; for publishing the list of names of the candidates before the primary, twenty-five cents for each name, and the cost of printing; for each name specially registered by him as herein provided, ten cents. All fees and expenses incurred under this Act, except the one above specifically mentioned, shall be paid as other election expenses are paid under the law.”

(13) That Section 26 of said Act, which reads as follows:

“26. Canvassing Returns—Certificates of Nomination.—On the third day after the close of any primary nominating election the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. Such tabulation of votes for nomination for United States Senator and for all other candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State, in like manner as other election returns are transmitted to him. The tabulation of voters for all offices for which nomination papers are required to be filed in the County Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. In all legislative and senatorial districts which are composed of two or more counties, the County Court Clerks of each county in each such district shall immediately after the primary nominating election returns have been canvassed and certified to them by the Election Commissioners, certify the vote of each candidate for State Senator and Representative to the County Court Clerk in the county having the largest population in each such district, and shall immediately transmit to such clerk the votes aforesaid for candidates for State Senator and Representative. On the fourteenth day after such primary nominating election, the County Election Commissioners of the largest county in each legislative and senatorial district in the State that is composed of two or more counties, shall assemble at the County Court Clerk's office in said county and canvass the returns that have been certified by the Election Commissioners of each county in such district for State Senator and

for Representative, and they shall issue to the person receiving the greatest number of votes, for the office for which he is a candidate, a certificate of nomination, which certificate shall, not less than fifteen days next before the day on which the general November election is held, be filed in the office of the County Court Clerk of each county comprising such legislative or senatorial district.

“On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of votes, for the office for which he was a candidate, a certificate of nomination, which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for

by a district smaller than the State," shall be and the same is hereby repealed, and the following enacted and inserted in lieu thereof:

"26. Canvassing Returns—Certificates of Nomination.—On the third day after the close of any primary nominating election the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. The tabulation of votes for all offices for which he nomination papers are required to be filed in the County Court Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. And said certificate shall not less than fifteen days next before the day on which the General November Election is held, be filed with the County Clerk. Such tabulation of votes for nominations for candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted under seal of the Secretary of State, in like manner as other election returns are transmitted to him. On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election; and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of

votes for the office for which he was a candidate, a certificate of nomination, which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filed at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail, a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for by a district composed of more than one county."

(14) That Section 24 of said Act, which reads as follows:

"24. Manner of Voting.—Any person desiring to vote shall give his name, his residence, and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election, and if such person is entitled to vote in such primary election the clerk shall write on the primary stub of the ballot to be voted by such person his name and residence. The clerk shall then tear off the ballot at the perforated line and endorse his own name across the back of the ballot and then deliver the ballot to the elector, who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot and when he has prepared it he shall fold it so as to conceal the names of all candidates there-

on and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast," be and the same is hereby repealed and stricken from the act, and the following is enacted and inserted in lieu thereof:

"24. Manner of Voting.—Any person desiring to vote shall give his name, his residence and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election, and if such person is entitled to vote the ballot of the party to which he claims to belong, in such primary election, the clerk shall write on the primary stub of the ballot to be voted by such person, his name and residence. The clerk shall then tear off the ballot at the perforated line and endorse his own name across the back of the ballot and then deliver the ballot to the elector, who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot; and when he has prepared it he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast."

(15) It being the sense of the General Assembly that the foregoing amendments should become effective as to the primary elections to be held in the year 1914, an emergency is declared to exist, and this amendatory act shall become effective upon its passage and approval by the Governor, and laws which are in conflict herewith are hereby repealed.

Mr. Overstreet moved that said bill be recommitted to the

Committee on Suffrage and Elections, with leave to report at any time.

Said motion was agreed to.

Mr. Frost moved that when the Senate adjourns, it be to meet again immediately after the conclusion of the ceremonies of unveiling of statue of the late Governor William Goebel.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the Senate, of the following title, viz.:

S. B. 215. An Act to repeal an Act entitled "An Act to amend the Charter of the Twelve Mile Turnpike Company," approved January 22, 1867, and is Chapter 1069 of the Session Acts of 1867, and is Chapter 62 of the Session Acts of 1898.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act entitled "An Act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is Chapter 1069 of the session acts of 1867 and amended March 25, 1898, and is chapter 62 of the session act of 1898.

§ 2. That all acts granting the said Twelve Mile Turnpike Company the right to collect the fare or toll for crossing

the said company's Four Mile Creek Bridge, situated on the Twelve Mile Turnpike in Campbell County, Kentucky, are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	R. M. Salmon
T. F. Bagby	Seldon R. Glenn	Dr. H. G. Sanders
W. J. Bale	Walker C. Hall	M. O. Scott
W. W. Booles	Webster Helm	Robert H. Scott
Joe F. Bosworth	J. B. Hiles	J. T. Tunis
Hiram M. Brock	S. L. Marshall	Mitchell Vincent
Nim R. Cobern	C. F. Montgomery	W. F. Welch
John H. Durham	W. B. Moody	J. H. Williams
John F. Ford	T. J. Moore	J. R. Zimmerman

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the

orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 121. An Act to amend an Act entitled “An Act for the creation and regulation of private corporations,” being an Act relating to the subject of insurance, and the transaction of the business of Life and Casualty Insurance or both Life and Casualty Insurance upon the co-operative or assessment plan.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 667, 673, 674 and 679, of Subdivision 3, Article 4, Chapter 32, Kentucky Statutes, be and they are each hereby repealed, and said sections are respectively re-enacted so that the same shall read as follows:

Section 667. All corporations, companies, societies, organizations, or associations of this State, transacting the business of life or casualty Insurance on the co-operative or assessment plans referred to in the six hundred and sixty-fourth and six hundred and sixty-fifth sections of this subdivision, are hereby made subject to all the provisions of this subdivision, and shall hold within the county in which the principal office is located in this State a stated annual meeting of their members or policy holders, or representatives of local boards or subordinate bodies, in such manner and subject to such regulations, restrictions and provisions as the constitution or by-laws of the same may provide. Every such association, corporation or society now authorized, as hereinbefore and hereafter provided, to do business in this State may at any stated annual meeting of its members or policy-

holders adopt or amend its by-laws, rules and regulations; and in the event of an emergency arising requiring the adoption or amendment of any by-law, rule or regulation before next ensuing stated annual meeting, then such association, corporation or society must hereafter, before the adoption of any by-law, rule or regulation to meet such emergency, cause the same to be mailed to the members and directors of such association, corporation, or society, together with a notice of the time and place when the same will be considered, which notice shall be the same as hereinbefore required for a stated meeting. The by-laws or other rules and regulations, and amendments thereto adopted from time to time at the stated annual meeting of the members or policy-holders of such corporation, or at any meeting made necessary by an emergency, shall be binding on all members and policy-holders of such association, corporation, or society, whether or not personally present at the meeting when the same was adopted, and the board of directors shall have the right and power, and are hereby authorized to determine when an emergency has arisen.

The books and papers of such association, corporation or society shall at all times be open for examination by the Insurance Commissioners of this State, and shall also be open for examination by a committee of members or policy-holders duly selected, authorized and empowered for that purpose by a writing signed by a majority of the members or policy-holders of such association, corporation or society, which written authority shall be presented to and filed with such association, corporation or society before any examination is made by such committee.

All associations, societies, companies, corporations or organizations now transacting or hereafter desiring to transact the business of life or casualty insurance in this State, upon any other plan than that defined in and by Sections 664 and 665, of this subdivision, shall comply with all the pro-

visions of the general laws applicable to life and casualty companies.

§ 2. Section 673. Any solicitor, agent, examining physician, or other person who shall knowingly or wilfully make any false or fraudulent statement, or misrepresentation in, or with reference to any application for insurance, or issue any false certificate concerning the health of any policy-holder, or concerning any injury to any policy-holder, for the purpose of obtaining any money or benefit from any corporation transacting business under this subdivision, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both at the discretion of the court or jury; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of any policy or certificate-holder in any such corporation, for the purpose of procuring payment of a benefit named in the policy or certificate of such holder, shall be guilty of perjury.

Any such association, corporation or society shall have the right, and shall be afforded the opportunity to have any member or policy-holder claiming to be either sick or injured examined by its physician when and as often as it may reasonably require such examination to be made during the pendency of any claim for either sick or accident benefits, and no action at law or in equity shall be maintained in any of the courts of this Commonwealth for the recovery of any claim to sick or accident benefits when such examination of the person of the insured has been either obstructed or refused.

§ 3. Section 674. Every charter created by or under this law for the purpose aforesaid shall continue until revoked by the judgment of a court of competent jurisdiction; provided, that charters hereafter to be filed in the Insurance Department shall be considered as abandoned, and become inoperative and void, unless the incorporators perfect their

organization thereunder, and issue certificates of membership within the period of one year from the date of filing such charter: And, provided, when any life insurance company incorporated in this State to do the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan, transfers its business or re-insures its members or policy-holders in any other company or corporation, or suspends its business, or has failed or shall fail to actively, and in good faith, operate its corporate franchises, powers and privileges in the due course of business, and in the fulfillment of the design and purpose of its creation, for the period of one year, it shall be deemed to have abandoned the purpose of its creation, and it shall not thereafter, directly or indirectly, resume its business or operate in any manner any of its corporate franchises, powers or privileges, and the same shall for all purposes thereby become and remain forever inoperative and void.

§ 4. Section 679. All policies or certificates hereafter issued to persons within the Commonwealth of Kentucky by corporations transacting business therein under this law, which policies or certificates contain any reference to the application of the insured, or the by-laws, or the rules of the corporation, either as forming part of the policy or contract between the parties thereto, or as having any bearing on said contract, shall have such application, by-laws and rules, or the parts thereof relied upon as forming part of the policy or contract between the parties thereto, or as having any bearing on said contract, attached to the policy or certificate, or printed on the face or reverse side thereof, and unless either so attached and accompanying the policy, or printed on the face or reverse side thereof, shall not be received as evidence in any action for the recovery of benefits provided by the policy or certificate, and shall not be considered a part of the policy, or of the contract between the parties. The policy or certificate, and the rules and regulations, shall be printed, and no portion thereof shall be in type smaller than brevier. Pro-

vided, however, that nothing in this section shall be construed as applying to evidence used in reinstatement of a policy or certificate. But the provisions of this section and this subdivision shall not apply to secret or fraternal societies, lodges, or councils, which are under the supervision of a Grand or Supreme Body, and secure members through the lodge system exclusively, and pay no commission, nor employ any agents, except in the organization and supervision of the work of local subordinate lodges or councils.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	R. M. Salmon
Charles Arnett	Seldon R. Glenn	Dr. H. G. Sanders
T. F. Bagby	Walker C. Hall	M. O. Scott
W. J. Bale	Webster Helm	Robert H. Scott
W. W. Booles	J. B. Hiles	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	Hite Huffaker	Mitchell Vincent
J. Will Clay	S. L. Marshall	W. F. Welch
Nim R. Cobern	C. F. Montgomery	J. H. Williams
John H. Durham	W. B. Moody	J. R. Zimmerman
John F. Ford	T. J. Moore	

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

AFTERNOON SESSION.

Pursuant to order of adjournment the Senate reconvened at three o'clock.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 91. An Act to regulate the labor and employment of children and minors, and to make the provisions thereof effective.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled, "An Act to Regulate Child Labor and to make the Provisions thereof Effective," approved March 18, 1908 (which Act constitutes Section 331a

of the Kentucky Statutes of 1909), and an Act entitled, "An Act to Amend an Act entitled 'An Act to Regulate Child Labor and to make provisions thereof effective,'" approved March 18, 1908, approved March 25, 1910, be and the same are hereby repealed; and the following Sections are hereby enacted in lieu thereof, and shall constitute Section 331a of the Kentucky Statutes:

§ 331a: 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theatre, motion picture establishment, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session. Nor shall any child under fourteen years of age be permitted to perform in or appear upon the stage of any theatre, motion picture establishment or other place of public amusement, whether for pay or not.

2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion picture establishment, or in the distribution or transmission of merchandise or messages, unless the person, firm or corporation employing him procures from the local school authorities and keeps on file and accessible to the truant officers and to the labor inspectors, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such

children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be returned by the employer to the officer by whom it was issued, within two days of the termination of the employment of such child. A labor inspector may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this Act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact sixteen years of age or over, or shall cease to employ, or permit, or suffer such child to work therein. A labor inspector may require from such employer the same evidence of age of such child as is required for the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the labor inspector within ten days after such demand, such evidence of the age therein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed.

3. Employment certificates shall be issued only by the superintendent of schools or by a person authorized by him in writing, acting in his name. Where there is no local Superintendent of Schools, they shall be issued by the County Superintendent of Schools, or by a person so authorized by him.

4. The person authorized to issue employment certificates shall not issue such certificates until the child in question accompanied by its parent or guardian, has personally made application to him therefor, and until he has re-

ceived, examined, approved and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided hereinbelow. (2) A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births; or a passport, or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child; or, in case the officer authorized to issue the certificate is satisfied that none of such proofs of age be produced, other evidence of age, such as a duly attested school census, or school enrollment record, or affidavit of the parent, guardian or custodian of such child, such as shall convince such officer that the child is fourteen years of age or upwards. (3) The written statement of the person, firm or corporation in whose service the child is about to enter, that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed. (4) A certificate signed by a physician appointed by the school board, or other public medical officer, stating that such child has been examined by him and, in his opinion, has reached the normal development of a child of its age and is in sufficiently sound health and physically able to be employed in the work which it intends to do. The Superintendent of Schools in any city, town, county or district, wherever there is one, and where there is none, then the County Superintendent, shall between the first and tenth days of each month, transmit to the office of the labor inspector a report, which report shall give (1) the name of each child to whom a certificate has been issued in the preceding month, together with the name and address of the establishment where such child was to be employed; and (2) the name of each child to whom a certificate has been denied in the preceding month, together with the ground of such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the labor inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-

five dollars nor less than five dollars, to be disposed of as provided in the section of this Act numbered 16.

5. The school record herein required shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child who, after due examination and investigation, is found to be entitled thereto. It shall contain a statement certifying that the child has regularly attended a public school or school equivalent thereto, or parochial, for not less than one hundred days, either during the twelve months previous to arriving at the age of fourteen years or during the twelve months previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language, and has completed satisfactorily a course of study equivalent to the first five yearly grades in reading, spelling, writing, English language and geography, as established in the graded schools of this Commonwealth, and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the name, date of birth and residence of the child as shown by the records of the school and the name of its parent, guardian or custodian: Provided, however, that upon the filing with the person authorized to issue employment certificates, of the affidavit of the applicant or of his or her parent, guardian or custodian showing that diligent effort has been made to obtain the school record hereby required, and that it cannot be obtained, then the person authorized to issue the certificate may issue such certificate without having received such school record, if the other requirements for such certificate have been fulfilled, but it shall be his duty in such case, to examine the applicant as to his or her proficiency in each of the studies mentioned in this section, and he shall issue such certificate only after such applicant has shown that he or she has acquired a knowledge of said studies equivalent to that imparted by a course therein covering the first five yearly school grades; in such case the employment certificate shall show

that such examination was had in lieu of the filing of the school report.

6. The printed form of certificate and other papers required in the issuing of employment certificates shall be drafted by the State Superintendent of Public Instruction and furnished by him to the local and county superintendents of schools.

7. No. person under the age of sixteen years shall be employed or suffered or permitted to work in, about or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theatre, motion picture establishment, or in the distribution or transmission of merchandise or messages, for more than six days in any one week, nor more than forty-eight hours in any one week, nor more than eight hours in any one day; nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening of any day; the presence of such child in any such establishment during working hours shall be prima facie evidence of its employment therein. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end.

The printed form of such notice shall be furnished by the State Labor Inspector, and the employment of any such minor for longer time in any day than so stated shall be deemed a violation of this section.

8. Truant officers may visit mines, factories, mills, workshops, mercantile establishments, stores, offices, printing establishments, bakeries, laundries, restaurants, hotels, apartment houses, theatres, and motion picture establishments, in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this Act, and they shall report any cases of such illegal employ-

ment to the Superintendent of Schools and to the Labor Inspector or other authorized officer of the State. Labor inspectors and truant officers may require that the employment certificate and lists, provided for in this Act, of minors employed in such establishments, shall be produced for their inspection. Complaints for offenses under this Act, except as to the employment of children in mines, shall be brought by the Labor Inspector. The provisions of this act with regard to the employment of children in mines shall be enforced by the State Inspector of Mines and his assistants, who shall bring all complaints for violation of the same.

9. No child under the age of sixteen years shall be employed, permitted or suffered (1) to sew or to assist in sewing belts in any capacity whatever; (2) nor to adjust any belt to any machinery; (3) nor to oil, wipe or clean machinery; (4) nor to operate or to assist in operating any of the following named machines: (a) Circular or band saws; (b) wood shapers; (c) wood joiners; (d) planers; (e) sandpaper or wood polishing machinery; (f) emery or polishing wheels used for polishing sheet metals; (g) wood turning or boring machinery; (h) picker machines or machines used in picking wool, cotton, hair or other materials; (i) carding machines; (j) paper-lace machines; (k) leather burnishing machines; (l) job or cylinder printing presses operated by other than foot power; (m) boring or drill presses; (n) stamping machines used in sheet metal and tinware or in paper and leather manufacturing, or in washer and nut factories; (o) metal or paper cutting machines; (p) corner staying machines in paper box factories; (q) corrugating rolls such as are used in corrugated paper, roofing or washboard factories; (r) steam boiler, steam machinery or other steam generating apparatus; (s) dough brakes or cracker machinery of any description; (u) rolling mill machinery; (v) power punches or shears; (w) washing, grinding or mixing machinery; (x) calendar rolls in paper and rubber manufacturing; or (y) laundering machinery; (5) nor work in proximity to any hazardous or

unguarded belts, machinery or gearing; (6) nor to work upon any railroad whether steam, electric or hydraulic; (7) nor to operate or assist in operating any passenger or freight elevator; (8) nor to work in any capacity in processes in which dangerous or poisonous acids are used; (9) nor to work in any capacity in the manufacture or packing of paints, colors, or white or red lead; (10) nor to work at soldering; (11) nor to work in occupations causing dust in injurious quantities; (12) nor to work in manufacture or use of dangerous or poisonous dyes; (13) nor to work in the manufacture or preparation of compositions with dangerous or poisonous gases; (14) nor to work in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (15) nor to work in any tunnel or excavation; (16) nor to work on scaffolding; (17) nor to work in any capacity in, about, or in connection with any mine, coke oven or quarry; (18) nor to work in assorting, manufacturing, or packing tobacco; (19) nor to work in any cotton or hemp mill; (20) nor to operate any automobile, motor car or truck; (21) nor to work in any bowling alley; (22) nor to work in any pool or billiard room; (23) nor to work in any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; (24) nor to work in any hotel, theatre, concert hall, club, place of amusement, or any other establishment where intoxicating liquors are sold; (25) nor to work in any other occupation dangerous to the life or limb or injurious to the health or morals of such child, and as to these matters the decision of the county physician or city health officer, as the case may be, shall be final;

Provided, however, that nothing in this Act shall prevent the use of suitable machinery for purposes of instruction in schools where the mechanical arts are taught in connection with, and as a part of the usual school curriculum. But the use of such machinery in any school, whether public or private, shall be subject to the approval of the Board of Education or other governing school authority of the city or district

wherein such school is situated, and shall be subject to the provisions of this Act as to supplying safe-guards for the protection of those using such machinery.

10. It shall be the duty of the owner of any manufacturing establishment where any person under twenty-one years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable or cause to be furnished and supplied to him, belt shifters, or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearings, beltings, set screws and machinery of every description which is palpably dangerous, shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any such appliances or machinery, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while it is in motion.

11. In cities of the first, second or third class, no person under the age of twenty-one years shall be employed, permitted or suffered to work as a messenger for any telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before six o'clock in the morning or after nine o'clock in the evening of any day.

12. No female under twenty-one years of age shall be employed, permitted or suffered to work in any capacity in this Commonwealth, where such work compels her to remain standing constantly.

13. The walls and ceiling of each room in every manufacturing establishment where minors are employed, shall be lime washed or painted when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.

14. A copy of this Act shall be conspicuously posted and kept in each workroom of every mill, mine, workshop, theatre, bowling alley, laundry or public messenger company, and manufacturing, mercantile or printing establishment in this Commonwealth.

15. No boy under fourteen years of age, nor girl under eighteen years of age shall be employed, permitted or suffered to work at any time in any city of the first, second or third class in or in connection with the street occupations of peddling, boot-blackening, the distribution or sale or newspapers, magazines, periodicals or circulars nor in any other occupation pursued in any street or public place. No boy between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any city of the first, second, or third class in or in connection with the street occupations of peddling, boot-blackening, the distribution or sale of magazines, periodicals or circulars, nor in any other occupation pursued in any street or public place except upon the following conditions:

(A) Boys between fourteen and sixteen years of age shall, upon application to the school authorities, as in the case of an employment certificate, and upon compliance with all of the requirements for the issuance of an employment certificate, be entitled to receive from the officer authorized to issue employment certificates a badge, which shall authorize the recipient to engage in the trades or occupations above mentioned between the hours of six o'clock A. M. and eight P. M. of each day, but at no other time. Such badge shall be displayed conspicuously by the recipient while so engaged and shall be renewed annually on the first day of January. The color of all such badges issued in the same calendar year shall be the same and said color shall be changed each year upon renewal.

(B) Boys between fourteen and sixteen years of age who comply with all the requirements for the issuance of an employment certificate except the educational requirement

(that is, the filing of a school record or the passing of an examination in lieu thereof), shall be entitled to receive from the officer authorized to issue employment certificates a badge which shall authorize the recipient to engage in the above mentioned trades or occupations at such time or times between six A. M. and eight P. M. in each day that the public schools of the city or district where such boy resides are not in session, but at no other time. All such badges issued in the same calendar year shall be of the same color; but in either form, design or color shall be so different from the badges issued to boys who comply with the educational requirements above mentioned, as to be readily distinguished therefrom. Such badges shall be renewed annually upon the first of January, and their color shall be changed each year upon renewal.

Any child who shall engage in any such street occupation in violation of any of the provisions of this section shall be deemed delinquent, and shall be brought before any court or magistrate having jurisdiction over juvenile delinquents, and shall be dealt with according to law. The labor inspectors, truant officers, police officers and juvenile court probation officers shall enforce the provisions of this section. Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this section, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this section, or from the officer issuing the badge required as aforesaid, that said minor is unlicensed to sell such article, shall be punished by a fine of not less than fifteen dollars nor more than one hundred dollars for each offense.

16. Whoever employs or suffers or permits a child under sixteen years of age to work, and any parent, guardian, or any adult person under whose care or control a child under such age is, who suffers or permits such child to work, in violation of any of the provisions of this Act, shall be pun-

ished for the first offense by a fine of not less than fifteen dollars nor more than fifty dollars; for a second offense, by a fine of not less than fifteen dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third or any subsequent offense, by a fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment. Whoever continues to employ any child in violation of any of the provisions of this Act after having been notified thereof in writing by a truant officer, a labor inspector or other authorized officer, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or labor inspector any employment certificate or list required by this Act, shall be prima facia evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of Section numbered 2 of this Act shall be fined ten dollars. Every person authorized to sign the certificates prescribed by the Sections of this Act numbered 2, 3 and 4, who knowingly certified to any false statement therein shall be fined not more than fifty dollars, nor less than ten dollars.

Any person, firm or corporation who hinders or delays any labor inspector, truant officer or any other officer charged with the enforcement of any of the provisions of this Act, in the performance of his or her duties, shall be punished by a fine of not less than fifteen, nor more than one hundred dollars. Every fine imposed under this law shall inure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred; and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools.

17. Employment certificates issued and outstanding

at the time this Act goes into effect shall continue to be valid and effective as to all employments not absolutely prohibited by this Act to children between fourteen and sixteen years of age.

§ 2. All laws inconsistent herewith are hereby repealed.

§ 3. If any section of this bill shall be held to be unconstitutional in whole or in part, the fact shall not affect any other section of the Act; it being the intention of the General Assembly in enacting this bill to enact each section separately.

Mr. Tunis proposed the following amendment, viz.:

Amend Section 5 by inserting at the end thereof these words:

“If the principal of any reputable school other than a public school certify that a pupil has regularly attended his or her school as required herein and has satisfactorily completed a course of study equivalent to the first five yearly grades in the public school, said pupil shall be treated in all respects as if a pupil of the public school.”

Amend by striking out in lines 33 and 34, Section 9, the following words: “Nor to work in any cotton or hemp mill.”

Amend by changing the numerals in parentheses in Section 8, lines 32 to 39.

Said amendments were agreed to.

Mr. Williams proposed the following amendment, viz.:

Amend Section 11 by striking out the words “twenty-one,” in line 2, and insert in lieu thereof the word “eighteen.”

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Walker C. Hall	Dr. H. G. Sanders
Charles Arnett	Webster Helm	M. O. Scott
T. F. Bagby	J. B. Hiles	Robert H. Scott
W. W. Booles	D. H. Hildreth	G. G. Speer
Hiram M. Brock	C. Holman	J. T. Tunis
Nim R. Cobern	S. L. Marshall	Mitchell Vincent
John H. Durham	W. B. Moody	W. F. Welch
John F. Ford	T. J. Moore	J. H. Williams
W. A. Frost	H. G. Overstreet	J. R. Zimmerman
Seldon R. Glenn	R. M. Salmon	—29

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the Senate of the following title, viz.:

S. B. 153. An Act to amend Section 3290 in Subdivision 2 of Article 4, Chapter 89, Kentucky Statutes.

Then the Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3290, in Subdivision 2 of Article 4, Chapter 89, Kentucky Statutes, be amended by adding to said section Subsection 42 as follows:

42. That said cities of the third class are hereby empowered to further improve their streets by oiling the same. The several councils of said cities are hereby authorized and empowered to have such streets as they deem necessary oiled, such streets to be designated by resolution of the Common Council; the city to provide the oil and have it put on the streets under the supervision of the City Engineer or Street Inspector; and the cost thereof to be borne, one-third by the abutting property owners on one side of the street; one-third by the abutting property owners on the other side of the street; and the other third, together with the street intersections, to be paid by the city out of the street fund; provided, however, that on streets where there is a car line, the city's part of the expense may be equally divided between the city and the railway company.

When said work is done, the City Engineer shall ascertain and apportion the costs as herein indicated and certify the same, with the names of the parties owning it, to the Common Council, and when the said report is approved by the Council said costs shall become due and payable to said city, and if not paid within thirty days, said costs shall become a lien upon said property and may be collected by a petition in equity filed in the Circuit Court of the county, and said court

of equity is hereby empowered to enforce said lien and sell said property to satisfy said claim or claims.

Because of the intolerable dust and the impracticability of keeping it down with water, and the injurious effects of the water on the streets, an emergency is declared to exist, and this act shall take effect and be in force from and after its final passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	H. G. Overstreet
Charles Arnett	Walker C. Hall	R. M. Salmon
T. F. Bagby	Webster Helm	Dr. H. G. Sanders
W. J. Bale	J. B. Hiles	M. O. Scott
W. W. Booles	D. H. Hildreth	Robert H. Scott
Hiram M. Brock	C. Holman	J. T. Tunis
Nim R. Cobern	S. L. Marshall	Mitchell Vincent
John H. Durham	C. F. Montgomery	W. F. Welch
John F. Ford	W. B. Moody	J. H. Williams
W. A. Frost	T. J. Moore	J. R. Zimmerman

—30

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the calendar bill of the following title, viz.:

S. B. 345. An Act to amend Section 656, Chapter 32, Article 4, Subdivision 2 of the Kentucky Statutes, relating to life insurance.

The constitutional provision as to the second reading at length of said bill being dispensed with, same was read by its title and ordered placed in the orders of the day.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 93. An Act relating to the giving and receiving of bribes in this Commonwealth, and fixing the civil liability of the giver and taker thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, company, corporation, or association, or agent of any person, company, corporation or association, who shall contract to pay, or pay, or cause to be paid or delivered to any office of this Commonwealth, or any city, county or other municipality, any money or property, or other thing of value, with the view or for the purpose of influencing any such officer in the discharge of any official act, including the members of the General Assembly of Kentucky, shall be liable in civil damages to the Commonwealth of Kentucky in the

sum of money so contracted to be paid or delivered to such officer, or such member of the General Assembly, or in a sum equal to the fair cash market value of the property or other thing which may be so contracted to be paid or delivered to such officer before it is paid or delivered, and such damages may be recovered of the giver or deliverer of such bribe, or his agent acting for and with him; and it shall be the duty of the Attorney General of Kentucky, upon information that there is probable cause to believe that this section has been violated, to institute a civil suit in the Circuit Court of Franklin County to recover for the Commonwealth such sum or the reasonable, fair, cash market value of said property contracted to be paid or delivered to any officer hereinbefore named, from any person, company, corporation or association, and the agents thereof, directly or indirectly violating this section.

§ 2. Any suit filed under this section, and any recovery hereunder, shall not be offered in evidence on the trial of a prosecution for bribery under the law in force fixing a penalty for bribery, and the testimony of any witness in such civil action, either for the Commonwealth or the defense, shall not be used either by the Commonwealth or defense on the trial of any person charged with either giving a bribe in violation of the laws of this State, nor shall the fact that said civil suit is or has been filed or tried, or that such person, or any person, has or has not testified in such civil suit, be directly or indirectly referred to in any prosecution for either giving or receiving a bribe in violation of the laws of this State.

§ 3. Any officer, including any member of the General Assembly, who is paid or delivered a bribe, shall also be liable in civil damages to the Commonwealth of Kentucky for the money paid or delivered to him, and for the reasonable, fair cash market value of any property or other thing of value paid or delivered to him in violation of section one hereof, to be recovered by a civil action, and it shall be the duty of the

Attorney General of Kentucky to institute a civil suit in the Circuit Court of Franklin County to recover for the Commonwealth such sum, or the reasonable, fair cash market value of any property paid or delivered to such officer, including any member of the General Assembly.

§ 4. The fact that any civil suit is filed, or has been filed or tried under sections one, two or three of this act, shall not be referred to in the trial of any person charged with violating the laws against giving or receiving bribes, and the testimony given by any party or witness on the trial of such civil action, and the fact that such party or witness has testified or failed to testify on the trial of any such civil action shall not be given in evidence nor be referred to on the trial of any person on the charge of violating any law against bribery.

§ 5. Any civil action instituted under this act, shall be instituted, prosecuted and tried as any other civil action and according to the laws governing all actions at law, and judgment may be rendered upon the testimony of one or more witnesses, without corroboration.

§ 6. Nothing in this act shall be a bar to a criminal prosecution for any violation of the laws in force in this Commonwealth against bribery.

§ 7. This act shall take effect and be in force from and after its passage and approval as required by law, and all laws and parts of laws, in conflict herewith are hereby repealed.

Mr. Speer proposed the following amendment, viz.:

Amend by striking out in line 9, Section 1, "or such member of General Assembly" and in line 6 "including members of the General Assembly of Kentucky."

Amend Section 3, line 1, by striking out the words "including any member of the General Assembly."

Amend Section 3, line 9, by striking out the words "including any member of the General Assembly."

Said amendment was disagreed to.

Mr. Williams proposed the following amendment, viz.:

Amend by striking out of all of Section 5 after the word "law" in line 3.

Mr. Glenn proposed the following amendment, viz.:

Amend Section 7 by striking therefrom the words:

"This Act shall take effect and be in force from and after its passage and approval as required by law, and."

Said amendments were agreed to.

Mr. Bagby moved to postpone indefinitely said bill.

Said motion was disagreed to.

Mr. Glenn moved the previous question.

The President then announced: "Shall the main question be now put?"

And the question being taken thereon, it was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed,

the question was then taken on the passage of said bill and it was decided in the negative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

W. J. Bale	J. B. Hiles	C. Holman	
John H. Durham	S. L. Marshall	Hite Huffaker	
W. A. Frost	W. B. Moody	G. G. Speer	
Seldon R. Glenn	T. J. Moore	W. F. Welch	
Walker C. Hall	H. G. Overstreet		—14

Those voting in the negative were—

Robert Antle	Hiram M. Brock	J. T. Tunis	
T. F. Bagby	Nim. R. Cobern	Mitchell Vincent	
W. W. Booles	John F. Ford	J. H. Williams	
Joe F. Bosworth	D. H. Hildreth	J. R. Zimmerman	
			—12

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had rejected said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Glenn moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate of the following title, viz.:

S. B. 68. An Act creating the office of District Detective to the Commonwealth Attorney in all counties having two divisions of the Circuit Court.

The Senate then took up for consideration said bill.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all counties in this Commonwealth having a Circuit Court with two divisions of continuous session therein, there is hereby created the office of District Detective, who shall be appointed by the Commonwealth Attorney, for a term of four years, but may be removed at any time by the said Commonwealth Attorney.

It shall be the duty of the said District Detective to assist the Commonwealth Attorney in the preparation of all criminal cases by investigating the evidence and the facts connected with such cases, and he shall aid the Commonwealth Attorney in all matters pertaining to his office and in such manner as the Commonwealth Attorney may from time to time designate.

Said District Detective shall have the same powers of arrest and the same right to execute process as is now given by law to the sheriff of this Commonwealth.

Before entering upon the discharge of his duties as such, he will execute bond to the Commonwealth, in the County Court, with good and sufficient surety to be approved by the Judge of said Court in the sum of one thousand (\$1,000.00) dollars, for the faithful performance thereof.

The salary of each of said detectives shall be twelve hundred dollars (\$1,200.00) per annum, payable out of the county levy in monthly installments.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas nad nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	R. M. Salmon
T. F. Bagby	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	Robert H. Scott
Joe F. Bosworth	J. B. Hiles	G. G. Speer
Hiram M. Brock	D. H. Hildreth	J. T. Tunis
Nim R. Cobern	C. Holman	Mitchell Vincent
John H. Durham	Hite Huffaker	W. F. Welch
John F. Ford	T. J. Moore	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 31. An Act to provide a deputy or clerk for the

coroner of counties in the Commonwealth having a population of 200,000 or over.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth having a population of 200,000 or over, there is hereby created the office of deputy or clerk to the coroner of such counties. Such deputy or clerk shall be appointed by the coroner of such county for a term of four years, but may be removed at any time by said coroner.

§ 2. It shall be the duty of said deputy or clerk to keep the books of said office, summons jurors and witnesses for inquests and to perform such other duties as may be assigned to him by said coroner.

§ 3. Such deputy or clerk shall, by virtue of his office, have the same power of serving summons for jurors, subpoenas for witnesses and other process for such coroner as a deputy sheriff.

§ 4. The salary of said deputy or clerk shall be twelve hundred (1,200.00) dollars per annum, payable out of the county levy, in equal monthly installments.

§ 5. That an act of the General Assembly, approved April 16th, 1897, authorizing the coroner in cities of the first class, to employ a clerk and fixing the salary of such clerk at the sum not to exceed fifty (\$50.00) dollars per month, is hereby repealed and the office created by said Act of April 16th, 1897, is abolished.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	H. G. Overstreet
T. F. Bagby	Walker C. Hall	R. M. Salmon
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	D. H. Hildreth	G. G. Speer
Nim R. Cobern	Hite Huffaker	J. T. Tunis
John H. Durham	S. L. Marshall	Mitchell Vincent
John F. Ford	W. B. Moody	W. F. Welch
W. A. Frost	T. J. Moore	J. R. Zimmerman

—27

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 118. An Act to amend Section 82, in Chapter 32 of Kentucky Statutes, for the purpose of giving to the owners of memberships in such religious, charitable and educational corporations, societies and associations as are composed of

members (in lieu of stockholders) the right to amend the charter of articles of incorporation thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 882 of Chapter 32 of the Kentucky Statutes, relating to religious, charitable and educational institutions be and the same is hereby amended by inserting immediately after the words "original articles; and," in the eighth line thereof the words as follows:

"In cases where such corporations, associations or societies are composed of members in lieu of stockholders, the said charter or articles may be amended by the vote or written consent of the holders of two-thirds of the memberships therein and it shall be the duty of the directors, managers or trustees to sign, acknowledge and file any such amendment in the same manner as if adopted by the directors, managers or trustees themselves. No charter or articles of incorporation or amendments thereto when adopted by the members as herein provided shall be changed by the directors, managers or trustees without the vote or written consent of the owners of two-thirds of said members; and"

So that said Section 882 as amended shall read as follows, to-wit: "Existing corporations, associations or societies heretofore incorporated or chartered, and not operated, managed or used for private profit, and such as may become organized under this act, may, by the consent of two-thirds of the directors, managers or trustees amend any of the charters or articles of incorporation by filing and recording the amendment in the manner herein provided for filing and recording original articles, and in cases where such corpora-

tions, associations, or societies are composed of members in lieu of stockholders, the said charter or articles may be amended by the vote or written consent of the holders of two-thirds of the memberships therein and it shall be the duty of the directors, managers or trustees to sign, acknowledge and file any such amendments in the same manner as if adopted by the directors, managers, or trustees themselves. No charter or articles of incorporation or amendments thereto when adopted by the members as herein provided shall be changed by the directors, managers or trustees without the vote or written consent of the owners of two-thirds of said members; and,

“Whereas, There are now in existence in this Commonwealth numerous corporations, associations, or societies heretofore created for the cultivation and diffusion of knowledge by maintaining free reference libraries, circulating libraries, or popular lectures, or by collecting materials for the illustration of the various branches of useful knowledge, or by other means; and,

“Whereas, It may become desirable for the cities or towns in which such corporations are located, to establish and maintain similar institutions for the free use and benefit of all the residents thereof; and,

“Whereas, In the charters of said corporations, associations or societies it is provided that, in case said charter or corporation shall lapse from non-user or other cause, any property that may be owned by the corporation shall escheat to the Commonwealth of Kentucky and pass under the supervision of the State Librarian, and doubt may arise whether such corporation has power or authority to transfer its property to any such city or town, therefore, any corporation, association or society, heretofore created for the circulation and diffusion of knowledge by maintaining free reference libraries, circulating libraries or popular lectures, or by collecting materials for the illustration of the various branches

of useful knowledge is hereby authorized and empowered, upon the vote of a majority of its members present and voting, at a regular meeting, or at a meeting called for the purpose of considering the subject, to transfer or convey to the city or town in which the same is located to be used by said city or town for library or educational purposes for the benefit of all the people of said city or town, with such additional conditions as may be agreed upon by such corporation, association or society, and it shall be lawful to incorporate in such agreement conditions securing the right to nominate or appoint on the Board of Trustees a given number of the directors or trustees in the corporation with which such agreement may be made, and such city or town, all or any part of the property, real, personal and mixed, owned or held by said corporation, association or society, and title thereto may be vested in said city or town or in any corporate departments or branch thereof; but nothing herein contained shall be construed so as that a transfer of its property, as hereinabove provided, shall operate as a dissolution of any such corporation, association or society, or to terminate its existence, but the same may continue its corporate existence for any of the purposes within the purview of its charter or articles of incorporation."

§ 2. Whereas, There are numerous corporations, associations and societies in this State composed of members in lieu of stockholders and said members now have no right or authority to amend the charters or articles of incorporation thereof, and it is necessary for such members to have the aforesaid powers, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage.

Ordered, That said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Walker C. Hall	R. M. Salmon
Charles Arnett	Webster Helm	Dr. H. G. Sanders
T. F. Bagby	J. B. Hiles	Robert H. Scott
W. W. Booles	D. H. Hildreth	G. G. Speer
Hiram M. Brock	S. L. Marshall	J. T. Tunis
Nim R. Cobern	C. F. Montgomery	Mitchell Vincent
John F. Ford	W. B. Moody	W. F. Welch
W. A. Frost	T. J. Moore	J. H. Williams
Seldon R. Glenn	H. G. Overstreet	J. R. Zimmerman

—27

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that it had adopted joint resolutions and passed bills, which originated in that body, of the following titles, viz.:

H. Res. 35. Resolution to authorize Thomas C. Holloway, late Major in Medical Corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky in the Franklin Circuit Court, for the balance due him for services rendered to two members of the militia.

H. Res. 36. Resolution providing for furnishing Kentucky Directories.

H. B. 358. An Act to regulate the tax on inheritances and to amend Sections 4281j and 4281m, Kentucky Statutes, Carroll's 1909 Edition.

H. B. 153. An Act to enjoin and abate houses of lewdness, assignation and prostitution, etc., and to enjoin the person or person who conduct or maintain the same.

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

Said bills were ordered printed and referred as follows, viz.:

H. Res. 35. To the Committee on Rules.

H. Res. 36. To the Committee on Rules.

H. B. 153. To the Committee on Rules.

H. B. 358. To the Committee on Rules.

H. B. 597. To the Committee on Rules.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 7. An Act to amend and re-enact Section 4023, of the Kentucky Statutes, Carroll's Edition 1909, relating to Revenues and Taxation.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4023 of the Kentucky Statutes, Carroll's Edition 1909, relating to Revenue and Taxation, be and is hereby amended by striking out the following:

“And, provided, That if the property be sold before February 1st, of the year in which the taxes are due and payable, then, as between the purchaser and seller, and in absence of any contract to the contrary, it shall be the duty of the purchaser of the property to pay the taxes thereon; and if the property is sold after February 1st, in the year in which the taxes are due and payable, it shall be the duty of the seller to pay the taxes thereon.

“And provided further, That this Act shall not be retro-active in its effect and shall not affect any taxes now due or for years prior to the passage of this Act.”

Said section, when so amended and re-enacted, shall read as follows:

“4023. (5) Respective Duties of Holders of Equitable and Legal Title—Fiduciaries.

“The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property on the first day of September of the year the assessment is made, shall be liable for taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment:

“Provided, however, That an administrator, executor, trustee, committee, curator or agent residing in the State shall not be liable for taxes on intangible personal property, where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the

State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the non-resident legatee or beneficiary is set apart to him, or before said legatee is entitled to be paid his share."

Mr. Frost proposed the following amendment, viz.:

Amend by inserting the word "one" in line 12, before the word "year," on page 2.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	R. M. Salmon
Charles Arnett	Walker C. Hall	Dr. H. G. Sanders
T. F. Bagby	Webster Helm	Robert H. Scott
W. W. Booles	J. B. Hiles	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	Hite Huffaker	Mitchell Vincent
Nim R. Cobern	S. L. Marshall	W. F. Welch
John H. Durham	C. F. Montgomery	J. H. Williams
John F. Ford	T. J. Moore	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 274. An Act providing for the establishment of a branch officer by a bank or trust company, or combined bank and trust company, organized under the laws of the State of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Commissioner of Banking may authorize in writing any bank or trust company, or any combined bank or trust company, organized under the laws of the State of Kentucky, to maintain not more than one branch office, which shall be located in the city or town in which the main office or said bank or trust company, or combined bank and trust company, is located.

§ 2. Said branch shall be under the direction and control of the officers and directors of the principal corporation and shall only be conducted for the purpose of receiving general and savings deposits, paying checks there presented on itself or other banks and trust companies, selling or issuing foreign exchange, and maintaining and operating a safety

vault containing boxes for rent, and shall not be authorized to discount paper or conduct a commercial banking business.

§ 3. No bank or trust company, or combined bank and trust company, shall open a branch office as herein provided without first having obtained the written approval of the Banking Commissioner of the State of Kentucky to the opening of such branch office, which written approval may be granted or withheld in his discretion.

Provided, further, that no bank or trust company, or combined bank and trust company, shall open or maintain a branch office unless the capital of such bank or trust company, or combined bank and trust company, actually paid in cash shall not be less than five hundred thousand dollars.

§ 4. Said branch office shall be conducted under the name "Branch Office of" followed by the name of the principal corporation.

§ 5. Every branch office established under the provisions of this Act shall be subject to the control, inspection and examination of the Banking Commissioner, and shall be bound by all rules and regulations of the department of banking which apply to the principal corporation.

Provided, the Banking Commissioner is authorized to charge a reasonable compensation for the examination of any such branch office in addition to the fees now allowed under the law for the examination of the principal corporation, which extra compensation shall be paid by the corporation having such branch office.

Mr. Marshall proposed the following amendment, viz.:

Amend Section 3 by striking therefrom the following words appearing on line 7, 8, 9 and 10 thereof, to-wit:

"Unless the capital of such bank or trust company or combined bank and trust company, actually paid in cash shall not be less than \$500,000.00," and inserting in lieu thereof

the words: "If said principal, corporation is located in a city or town having a population of less than fifty thousand."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the negative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	M. O. Scott
W. W. Booles	S. L. Marshall	J. T. Tunis
Joe F. Bosworth	W. B. Moody	Mitchell Vincent
Hiram M. Brock	H. G. Overstreet	
John H. Durham	R. M. Salmon	—13

Those voting in the negative were—

Charles Arnett	Webster Helm	G. G. Speer
T. F. Bagby	J. B. Hiles	W. F. Welch
Nim R. Cobern	D. H. Hildreth	J. H. Williams
John F. Ford	Hite Huffaker	J. R. Zimmerman
Seldon R. Glenn	C. F. Montgomery	
Walker C. Hall	Robert H. Scott	—16

Mr. Huffaker moved to reconsider the vote by which the Senate has rejected said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a joint resolution, which originated in the House of Representatives, of the following tilte, viz.:

H. Res. 26. Resolution providing for an assistant to the superintendent of public printing at a salary of seventy-five dollars per month.

The Senate then took up for consideration said resolution.

Said resolution reads as follows:

Resolved, by the General Assembly of the Commonwealth of Kentucky, that George A. Lewis, Superintendent of Public Printing, be allowed an assistant during the present session of the General Assembly, at a salary of seventy-five dollars per month.

Ordered that said resolution be engrossed and read the third time.

The constitutional provision as to the third reading of said resolution being dispensed with and the same being engrossed, the question was then taken on the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Joe F. Bosworth	John H. Durham
Charles Arnett	Hiram M. Brock	John F. Ford
W. W. Booles	Nim R. Cobern	W. A. Frost

Seldon R. Glenn	C. F. Montgomery	G. G. Speer
Walker C. Hall	W. B. Moody	Mitchell Vincent
Webster Helm	H. G. Overstreet	W. F. Welch
J. B. Hiles	R. M. Salmon	J. H. Williams
D. H. Hildreth	Dr. H. G. Sanders	J. R. Zimmerman
Hite Huffaker	M. O. Scott	
S. L. Marshall	Robert H. Scott	—28

Mr. Frost moved to reconsider the vote by which the Senate had adopted said resolution and that said motion lie on the table.

Said motion was agreed to.

Mr. Durham moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

THURSDAY, MARCH 12, 1914.

The Senate was opened with prayer by the Reverend Father Joseph Flynn, of the Catholic Church.

On motion of Mr. Arnett, the reading of the Journal was dispensed with, and the Journal approved.

Mr. Frost, of the Committee on Rules, called from the Calendar bills of the following titles, viz.:

H. B. 192. An Act to change the time of the Circuit Courts in the County of Cumberland in the Twenty-ninth Judicial District.

H. B. 196. An Act to create and establish a system of Public State Roads and to provide for the construction and maintenance thereof.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read by their titles and ordered placed in the Orders of the Day.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill which originated in the Senate of the following title, viz.:

S. B. 345. An Act to amend Section 656, Chapter 32, Article 4, Subdivision 2, of the Kentucky Statutes, relating to life insurance.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 656 of the Kentucky Statutes relating to life insurance be amended by adding thereto the following, to-wit:

“When evidence shall be presented to the Insurance Commissioner or facts shall be obtained by him which show a prima facie case of the violation of this Section by any such company, and in his opinion it shall be necessary to employ examiners or other persons other than those connected with his office in the work of enforcing compliance with this Section, he may allow a reasonable compensation to such persons for services rendered and for expenses incurred as he may deem necessary in each case. Such allowances for services and expenses shall be approved by the Auditor of Public Accounts and paid from the fund out of which the Insurance

Commissioner is paid, except, however, that when an agent, or company is found guilty, then the expenses of such investigation are to be paid by the company.

“For the purposes aforesaid the Insurance Commissioner, or his deputy, or persons making the examination or investigation, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents and may summon and qualify a witness under oath and examine the directors, officers, agents, trustees, employes and policyholders of any such company and any other persons, as to the violation of this Section. Whosoever without justifiable cause refuses to appear and testify when so required, or obstructs the Insurance Commissioner in the discharge of his duties, shall for each offense be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year,” so that the Section as amended will read as follows:

“Section 656. No life insurance company doing business in Kentucky shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums or rates charged for the policies of life or endowment insurance, or in the dividends or other benefit payable thereon, or in any other of the terms and conditions of the contract it makes; nor shall any such company or any agent thereof make any contract of insurance or agreement as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow, as inducement to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance. Every company, or officer or agent thereof, who shall violate the provisions of this section, shall be fined in

any sum not exceeding five hundred dollars, to be recovered by action in the name of the Commonwealth, and on collection, paid into the State Treasury. When evidence shall be presented to the Insurance Commissioner, or facts shall be obtained by him which show a prima facie case of the violation of this Section by any such company, and in his opinion it shall be necessary to employ examiners or other persons than those connected with his office in the work of enforcing compliance with this Section, he may allow a reasonable compensation to such persons for services rendered and for expenses incurred as he may deem necessary in each case. Such allowances for services and expenses shall be approved by the Auditor of Public Accounts and paid from the fund out of which the Insurance Commissioner is paid, except, however, that when an agent, or company, is found guilty, then the expenses of such investigation are to be paid by the company.

“For the purposes aforesaid the Insurance Commissioner, or his deputy, or persons making the examination or investigation, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents, and may summon and qualify a witness under oath and examine the directors, officers, agents, trustees, employes and policyholders of any such company and any other persons, as to the violation of this Section. Whosoever, without justifiable cause, refuses to appear and testify when so required, or obstructs the Insurance Commissioner in the discharge of his duties, shall for each offense be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year.”

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	R. M. Salmon
W. J. Bale	Walker C. Hall	Dr. H. G. Sanders
W. W. Booles	Webster Helm	G. G. Speer
Hiram M. Brock	J. B. Hiles	J. T. Tunis
J. Will Clay	C. Holman	W. F. Welch
Nim R. Cobern	Hite Huffaker	J. R. Zimmerman
John F. Ford	S. L. Marshall	
W. A. Frost	W. B. Moody	

—22

Nays—None.

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the Orders of the Day a bill which originated in the Senate of the following title, viz.:

S. B. 227. An Act to provide for a Biennial Census of School Children and fixing the ages of school children in the common schools of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the common school census of all children entitled to be enrolled therein, outside the cities of the first and second class, shall be taken biennially instead of annually, as provided for in Kentucky Statutes (Carroll, 1909.) That the census of 1914 shall be taken as is provided for in said statutes except that no children shall be enrolled in this census except those between the ages of six and eighteen years; that the said census shall not be taken thereafter again until 1916, according to the said provisions of the Kentucky Statutes (Carroll, 1909), and that the common school census of this State shall be taken continually every second year thereafter. Beginning with this present year 1914, the common school census shall be taken every two years and shall include only those children that are between the ages of six and eighteen.

This Act shall not conflict with laws governing the taking of the census of cities of the first and second class, nor to conflict with the general plan of taking the census, except as is herein provided for, that is set forth in the Kentucky Statutes (Carroll, 1909.) However, such laws and parts of laws as are in conflict with the provisions of this Act are hereby repealed.

In view of the fact that the census of 1914 is to be taken during the month of April, an emergency is hereby declared, and this Act shall take effect from and after its passage and approval by the Governor.

Mr. Antle proposed the following amendment, viz.:

Amend S. B. 227 by striking out in lines 6 and 12 of Section One the word "eighteen" and inserting the word "twenty," in such place.

Mr. Montgomery moved that the bill and all amendments be laid on the table.

Said motion was agreed to.

Mr. Montgomery moved that the rules be suspended and that House Bill 35 be called from the Committee on Rules and given its first reading today, and that the Chairman of the Committee on Printing be directed to have said bill returned from the printer today in time for same to be read.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Montgomery and Zimmerman, were as follows, viz.:

Those who voted in the affirmative were—

John F. Ford	C. F. Montgomery	G. G. Speer
J. B. Hiles	Robert H. Scott	J. R. Zimmerman
		—6

Those who voted in the negative were—

W. W. Booles	Walker C. Hall	Sam. L. Robertson
Joe F. Bosworth	Webster Helm	R. M. Salmon
Hiram M. Brock	D. H. Hildreth	J. T. Tunis
J. Will Clay	C. Holman	Mitchell Vincent
Nim R. Cobern	Hite Huffaker	W. F. Welch
John H. Durham	S. L. Marshall	J. H. Williams
W. A. Frost	T. J. Moore	
Seldon R. Glenn	W. B. Moody	—22

A message was received from the House of Representatives, announcing that it had adopted a resolution and passed bills of the following titles, viz.:

H. Res. 37. Resolution requesting that the program and addresses of Governor James B. McCreary, Ex-Governor J. C. W. Beckham and Augustus Owsley Stanley, at the unveiling of the monument of Governor William Goebel be spread at large on the Journals of the House and Senate.

H. B. 75. An Act prescribing manner of payment of wages by corporations.

H. B. 130. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

Said bills were ordered printed and referred as follows, viz.:

H. B. 75. To the Committee on Rules.

H. B. 130. To the Committee on Rules.

Mr. Speer moved that the rules be suspended and the Senate take up for consideration House Resolution No. 37, and place same upon its passage.

Said motion was agreed to.

The Senate then took up said joint resolution for consideration.

Said resolution reads as follows, viz.:

Be it Resolved by the House of Representatives, the Senate concurring: That the program, together with the addresses delivered by Governor James B. McCreary, Ex-Governor J. C. W. Beckham and the Honorable Augustus Owsley Stanley at the unveiling of the monument of Governor

William Goebel be spread at large on the Journals of the House of Representatives and the Senate, and that the Committees of the House and Senate having in charge the unveiling ceremonies obtain and deliver to the Clerks of the House and Senate copies of the addresses delivered by Governor James B. McCreary, Ex-Governor J. C. W. Beckham and the Honorable Augustus Owsley Stanley.

The question being taken on the adoption of said resolution, it was decided in the affirmative.

Said program and addresses read as follows, viz.:

Master of Ceremonies	Senator Walker C. Hall.
Prayer	The Rev. T. F. Taliaferro.
Address	Gov. James B. McCreary.
Address	Ex-Gov. J. C. W. Beckham.
Address	The Hon. A. O. Stanley.
Unveiling of Mounment	Miss Margaret McChord.

The visitors will assemble in the State Capitol promptly at 12:30 p. m., as follows:

The Senators will assemble in corridor on west side. The committee in charge, the speakers, Gov. Goebel's family, State officials and Judges of the Court of Appeals will assemble in rotunda where Lincoln's monument is located. The Senators will assemble in corridor on west side. The Members of the House will assemble in corridor on east side. Senator W. W. Booles and Representative Harry J. Meyers will marshal Division 1 in rotunda.

Senators Webster Helm and Robert H. Scott will marshal Division 2, composed of Senate members and officers in the east corridor.

Representatives S. Mazyck O'Brien and William Shawler will marshal Division 3, composed of members of the House and officers, in the east corridor.

Senators Selden R. Glenn and N. R. Cobern will marshal Division 4, composed of visitors, west side in corridor.

Representatives M. J. Farris and J. T. Webb will marshal Division 5, composed of visitors, on east side of south corridor.

The Governor's salute of seventeen guns will be fired during the formation.

Promptly at 1 o'clock p. m. the march will start and move in sections 1, 2, 3, 4 and 5, from the State Capitol to the Speaker's stand, where the addresses will be delivered and the unveiling of the statue of Kentucky's martyred Governor will take place.

Senator G. G. Speer will be Chief Marshal and Colonel Eph. Lillard, Secretary.

In the event of bad weather the exercises will take place in the House Chamber.

GOVERNOR WILLIAM GOEBEL.

(From the Western Argus, 1900.)

This poem is republished by request. It has written and published just after the burial of Governor Goebel in 1900. It was read before the memorial meeting of the Kentucky Legislature Feb. 3rd, 1904, by the author, Mrs. Jennie C. Morton.

(The time is appropriate since the Railroad Commission has done what he devoted his life to accomplish.)—Ed. The Kentucky Journal.

We come today with flower wreaths of radiant mystic bloom
To wave above thy silent breast, their incense and perfume
Where angels guard and glory warms thy pilgrim haunted
grave.

Ah, needless all our tributes now, when love nor tears could
save
Thee from assassin's shot and death. 'Twas like an earth-
quake's shock
That shatters homes and hearts and lands and adamantine
rock.
We stand in horror of this wreck, nor lift tearful eyes above,
But bend them on this slain young god, of a great people's
love.

Thou, sharer of the simple life from which true greatness
comes,
Thou, born and reared amidst the scenes of honest Christian
homes.
Kentucky has produced few sons, from homes of fame or
wealth,
That could in intellectual force compare well with thyself.
Of foreign blood and greater brain and richer grace and grit
With Martin Luther's wond'rous power, thy fine soul was lit.
He who to right dark wrongs evolved such masterful reforms.
*“Tho' demons sat on every tile, he went to speak at Worms.”
Such was thy determined zeal, thy courage grand and high
With thoughts aflame, like stars that stream adown the mid-
night sky.
So thou, with genius rare and fine and steady beaming eye,
We knew thy faithful hand would hold the trust imposed
thereby.
We saw thee tried, Oh, noble friend, in senates of the past,
Where others faltered and betrayed, thou stood firm and fast.
We watched thee when a hundred rose, our sacred rights to
wrest;
We saw thee treat with splendid scorn, the selfish greed ex-
pressed;

*Martin Luther's reply when warned of danger to himself if he went to speak in the Diet of Worms, April 16, 1520.

We saw thee hold such falseness up to ridicule and shame;
We saw thee crown with victory our Capital's just claim.
Nor was this all. We heard thee speak in smitten honor's
cause;

Saw thee turn forgotten Truth on our perverted laws.
That like the traveler's fabled cloak, did poisoned daggers
hide

To strike the poor, the friendless poor, with none to guard or
guide.

We saw thee rise a leader born, for such a time as this,
And welcomed thee with cheering words, that seemed not then
amiss,

And yet—and yet, we weep today; we did congratulate
Thee on a course misunderstood by this misguided State.
Mighty to save, we knew thou wert, and help our people's woe,
But helpless to help thyself against the dastard's shot or blow.

And yet, if we had failed to warn thee of such cruel fate;
If we, thy friends, had faltered once, with danger at the gate;
If we had failed to speak aright of thee and to defend
Thy peerless name, 'gainst hostile tongues; we could not
come, Oh, friend,

Into thy sleeping presence here, where angels may stand
veiled,

And hear the measures of thy worth, and hear thy loss be-
wailed.

We could not come in this dark hour, when God's indignant
wrath

Is like a cyclone in the air, upon thy murderer's path.

'Twill send into an endless shame, Cain-browed plotters vile,
Who planned thy cruel death, and yet, were making laws the
while.

“Vengeance is mine, I will repay.” God will not break his
word.

Men cannot bribe this mighty Judge nor sheath his cutting
sword.

And so we rest thy faith in Him—avenged thy death shall be,
But this will never bring thee back, and we had need of thee.

Precious thy message at the last: †“Say to those friends so
fond

I'll take their memories sweet with me into the great beyond.”
No need to charge “Be brave and true.” We'll lift thy name
on high

And place thy crown with martyrs there who dared for truth
to die.

Thy memory shall be consecrate, thy monument shall be
A shrine of patriots' deathless love and loyalty to thee.

The last lines of this poem are inscribed on the Goebel monument at Frankfort, erected in the cemetery by the people of Kentucky.

SPEECH OF GOVERNOR MCCREARY

At the Unveiling of the Goebel Monument, Frankfort, Ky.,
March 11, 1914.

We have assembled on this important occasion to unveil and dedicate a statue erected under an Act of the General Assembly of Kentucky to honor the memory of the eloquent leader, the faithful public servant, the loved statesman, the tribune of the people, and the martyred Governor of Kentucky, William Goebel.

This scene reminds us of the greatest crisis ever known in Kentucky and recalls his death, by the hands of an assassin, in the midst of his usefulness and in the prime and vigor of a splendid manhood, when his noble qualities were opening the way to success and renown, and the glory of his achievements as just beginning to reach fruition.

†When Governor Goebel was dying he sent this farewell message to the ladies who were weeping for him, and had been watching and praying for him during his illness.

The assassin and his aiders and abettors should pay the full penalty of the law, yet they are at large and justice still calls to heaven for their punishment.

The career of William Goebel proves the success that can be achieved in our country by intellect, integrity, energy and courage. He had no splendid heredity or illustrious lineage to give him prominence; neither fortune nor fame gilded his pathway; he claimed to belong to the great body of the common people, and he belonged to a family conspicuous for courage and patriotism. His father was a Union soldier during the Civil War, and was twice wounded at Antietam. His uncle served under General Lee and surrendered at Appomattox. God gave William Goebel his resources. They were indomitable will, a bright and active mind, courageous devotion to conviction, and self-reliance. He controlled and commanded them as successfully as an experienced general in the field; and he illustrated that, from the sturdy and strenuous ranks of the common people, often come the most conspicuous civil and military leaders of the Republic.

William Goebel's life was interesting, noble and attractive, no matter how he was engaged or what influence surrounded him. His first important step showed the aspirations of the boy pointed to the life-work of the man, and before he attained his majority he became a law student in the office of former Governor and Senator John W. Stevenson.

Before he was old enough to be admitted to the bar he graduated from the Cincinnati Law School, and after a term at Kenyon College, became a partner of Hon. John G. Carlisle. Subsequently this partnership was dissolved, and a partnership formed with his old preceptor, Governor John W. Stevenson, whose esteem for him was such that, at his death, he made William Goebel trustee of his estate without bond. After his partner's death, he continued the practice of law alone in all State courts and in the United States Su-

preme Court, acquiring a legal business probably never exceeded by any firm or individual in Covington.

In 1886, at the age of thirty, he was elected a State Senator and began a brilliant and stormy political career.

There is no fairer forum than the State Senate of Kentucky. There men are judged not by the offices they have held, not by the splendor of their ancestry, not by the honor and renown they have already achieved, not by the glamour of a conspicuous civil or military career, but they are judged by what they do in the Senate, and by the capacity, fidelity and honesty with which they discharge the varied and responsible duties of State Senator.

Soon after he became a State Senator he began to champion the cause of the people of this State, and he steadily opposed the encroachment of several powerful corporations. The toll rates charged by many turnpike companies in Kentucky had, for half a century, been heavy burdens upon the farmers. His first official act was to introduce and fight to a successful issue a law that cut these rates one-half. This law was contested in the courts by the ablest attorneys in the State, and William Goebel defended it without compensation until it was decided by the United States Supreme Court.

His next Legislative act was what was known as the Goebel Bridge Law, reducing the toll rates between Covington and Cincinnati from three cents to a cent and a fraction. This law was also opposed as strenuously as the former, and Mr. Goebel again represented the State without compensation. After the first trial the law was sustained and the bridges reduced the toll; and, although the United States Supreme Court held it to be unconstitutional, declaring that it required an act of Congress or a joint act of the two States, the companies never again raised their rates, thus saving the people of the two cities thousands of dollars annually.

The Goebel Anti-Lottery Law was another of his Legislative victories, in spite of a most powerful lobby. This law

he also defended without fee through the courts of the State.

Through his efforts the deposits in building and loan associations were exempted from taxation.

He was the author of the Library Law, which gave Covington the right to establish and maintain by taxation the present free public library, and the law enabling employes of railroads to recover damages when injured by the railroads for which they worked, which injuries might be caused by the negligence of fellow employes.

He fathered the school book law, putting an end to the book trust that charged in Kentucky sixty-five cents for the same books it sold in other States for much less, and which was fought through three successive sessions of the Legislature in the face of opposition that seemed almost insurmountable.

He was a pioneer in the cause of governmental regulation of railroad rates, and his active work in the Kentucky Legislature upon this great problem ante-dated the work of some statesmen whose names have been prominently connected with Governmental regulation of railroads.

The nomination of William Goebel as the Democratic candidate for Governor of Kentucky, and the subsequent proceedings connected with his election and his taking the oath of office as Governor show remarkable and unprecedented conditions at that time. By the advice of his friends and the Democratic State Central and Executive Committees, he made the contest for the office of Governor, a right given him by the original State Constitution, and both in separate and joint sessions the General Assembly declared William Goebel Governor of Kentucky, and he then took the oath of office.

Governor Goebel was so identified with the history of Kentucky, he had so impressed himself upon the minds of his fellow citizens, and his achievements were so great that he needed no monument to preserve his memory or to perpetuate his fame; but to show future generations their admiration and

respect for him and to present an example to guide them in the path of right and justice, and to encourage the young men of our Commonwealth to emulate his example and strive for success and achievements, the members of the General Assembly of the State of Kentucky erected this statute.

I knew Governor Goebel intimately, and was one of his earnest supporters and friends, and I speak of him as I knew him in public and private life. Estimated by comparison with his contemporaries and measured by the limitations which he overcame, his career was extraordinary and of unusual distinction.

He was in favor of "Equal and exact justice to all men," and he was the faithful friend and champion of the people. He came from the ranks of the people, he loved to be close to them, and he showed an abiding faith in the integrity and patriotism of the masses.

Like Ben Adhem, he would say: "Write me as one that loves his fellowmen."

He was fair and just in debate, terse and strong in his statements, convincing in his array of facts, honest and sincere in his conclusions, and always courageous and aggressive in maintaining his convictions.

He was also courteous to his opponents, and fought them in the open field, asking no favors.

He supported devotedly the Constitution of the State and of the United States. The powers and limitations of government, as they are ordained, received the sanction of his judgment and helped him in earnest loyalty to its authority.

As a lawyer, he was able and eminent, in both State and Federal courts.

As a State Senator for twelve years and as a member of the Convention which framed the present Constitution of Kentucky, he was conspicuous and well equipped for every duty, and excelled in knowledge of parliamentary law.

Governor Goebel was assailed by his political opponents

and enemies with malignancy and mendacity unparalleled in the history of Kentucky; yet their abuse and misrepresentation did not sully his good name or tarnish his fame. Every day he lived his great character, untarnished and undaunted, grew more resplendent, and, preceding his death, he stood, like Saul, towering above his enemies.

Amid the excitement and tumult and threats of his checkered life, he was always calm, and, quoting the Irish patriot, Curran, he said: "You may assassinate me, but you cannot intimidate me."

In his campaign for the office of Governor, he met all issues squarely and promptly, and he clearly and candidly defined his position on all questions, both State and National. His bold, able and aggressive speeches were admired by the people, and when we remember the remarkable conditions which existed in Kentucky at that time, the result of the election was a magnificent testimonial to his popularity and a splendid manifestation of confidence in his ability and Democracy.

In politics he was a Democrat. He never wavered in his loyalty to Democratic principles or in his devotion to the nominees of his party, and he believed that the party entrusted by the people with the responsibilities of its administration should place its policies and offices with those in sympathy with it, and who had at heart its continued success and supremacy.

In political life he found a fitting theater for his abilities, and had he lived and enjoyed health and strength the popularity and accomplishments he possessed would have led to greater and higher honors.

He was a recognized leader and he was conspicuous for his knowledge of the political situation and for his ability to organize and control his friends and supporters.

When his followers were discouraged or when the outlook for his success was gloomy, his self-reliance and courage

gave confidence to his supporters, and his powers as a leader then appeared to the best advantage. He repeatedly used his great intellect and powers of leadership for the promotion of his party and for upholding principles which would be beneficial to the people of Kentucky.

The career of William Goebel stands out in picturesque and splendid isolation. He had success embellished with brilliancy, yet saddened by his tragic death. Commencing the battle of life in his adopted State alone and unaided, with unexcelled attorneys and unsurpassed judiciary, with rivals who had already achieved success, when he was forty-four years of age his triumphs glittered and glistened along his pathway and he proved himself worthy to stand with the foremost lawyers, as an honored public officer, with a record unexcelled for ability, integrity and fidelity to duty, the loved leader of his party and the Governor of the Commonwealth of Kentucky.

On the thirtieth day of January, 1900, Governor Goebel was shot within thirty feet of the Capitol building by an assassin, and on the first day of February, 1900, he took the oath of office as Governor of the Commonwealth of Kentucky. On the third day of February he died from the effects of the assassin's bullet, and his last words were: "Tell my friends to be brave, fearless and loyal to the great common people." God grant we may never again have such an awful tragedy in Kentucky!

Thus ended the life and career of Governor William Goebel. His tragic death is still mourned by multitudes of his countrymen, and he is entitled to rank among the ablest and most patriotic men whose names adorn the annals of our State.

ADDRESS OF A. O. STANLEY

At the Unveiling of the Goebel Monument, Frankfort, Ky.,
March 11, 1914.

William Goebel sat for an hour in the chair of authority. He gazed into the eyes of his countrymen. He heard the tumultuous applause of assembled thousands, and then, in the prime of his virile and vigorous manhood, he fell at the very threshold of the splendid vista of honor and distinction that awaited him. At this hour, this proud, sad hour, his whole life passes in panoramic view before us. We see him starting on life's journey in poverty and in obscurity. We behold the hardships that he endured, the battles that he fought, the enemies that he overcame, until he stands upon the summit like a grand conqueror; and then, before the laurels have withered upon his dauntless brow, the death-damp gathered there. Before the cheers of the throng had died in the streets of the capital they were filled with the lamentations of the dead. Eminent was the immediate reward.

He was a born leader. He marched at the head of the column, but he never sought to look from a lofty place upon struggling men below. He was always of them and for them. No man ever had a better opportunity to tread the primrose path of place and power. In his youth he stood at the feet of the Senators of the bar. He was the professional associate of Stevenson and Carlisle, and he suffered not by the contrast. Rich retainers were offered him. Great corporations, eager to avail themselves of his great learning, his experience, and his talents, tendered their rich reward, but having defeated poverty, he continued the champion of the poor, and having suffered wrongs, he remained steadfastly the defender of the oppressed.

There is a singular and beautiful incident in the life of William Goebel, that throws a flood of light upon his varied and eventful career. On one occasion he was approached by the representative of a great railroad system. He was

told that if he would only dedicate his time and talents to the service of this rich and powerful corporation he might name his own retainer. Goebel listened in silence, while this man laid at his feet a king's ransom if he would only desert the people—desert them as an attorney—and dedicate the talents and the power that God had given him to the absolute dictation of a single mighty corporation. This scene occurred in his old offices there on the second floor of the building on Fourth and Scott streets in the city of Covington. It is said that Mr. Goebel leaned for some time against the jamb of the second story window, looking out; and it happened that just on the other side, lying in the gutter in the sand left by a recent shower, were two ragged urchins, and when the man had finished, Goebel pointed to the children in the street below, and said to the man: "Sir, I am retained by the other side." "Who," asked the astonished magnate, "has retained you on the other side?" And then said Goebel, looking down at the ragged children, "Sir, there are my clients; they have retained me." That devotion that most men center in wife and child he dedicated to his kind. He was in verity a father to the fatherless, a refuge to the homeless, a shelter in the time of storm to all who were buffeted by misfortune and disaster. Labor, caught in the pitiless meshes of the Federal injunction, saw prison doors open wide and the shackles fall from its sinewy limbs at his command.

It was William Goebel who freed the people of his city from the extortionate bridge tolls that burdened them. He stood upon the great bridges that span the Ohio between Cincinnati and the twin cities of Covington and Newport, and watched a stream of weary toilers passing in the early morning from the cottage and the tenement to the shop and the mill, and returning footsore and weary in the evening. He saw the mill-hand in his overalls, and the factory girl in the tattered shawl, submit to plunder as the price of passing, and he said to the bridge owners as to the exploiter of the high-

way, "You may charge a reasonable toll, but you shall not wring an extortionate tribute from the horny hand of honest toil."

Few really great men who have lived were ever understood by their immediate contemporaries. Just as mountains cannot be measured by those who stand at their base, they must be viewed afar, when their lofty heights and majestic proportions are outlined against the sky. In his own time, to his own generation, William Goebel spoke at times almost in an unknown tongue. Thirty years today he talked of the separation of the business of transportation and production. He demanded the rigorous regulation of common carriers, that the rich should be impartially dealt with, and that they should pay a just proportion of their burden to the State. That which is the paramount issue of this hour was vivid to his prophetic gaze. As a candidate for Governor, and afterwards as the Democratic nominee for that high office, he reiterated again and again that the real issue in that fight, the bottom question from which the public mind and the public eye should never be diverted, was whether the laws of Kentucky should be enacted, should be construed, should be executed by the people of Kentucky, or by powerful and privileged interests. For that issue he was denounced as a demagogue, he was assailed as an anarchist, as he would be denounced and assailed now, if living. He was harried by a corrupt and subsidized press. Every detail of his life, public and private, was distorted by the evil ingenuity of envy and hate. His sainted and sacred dead were dragged from the tomb and held up to contumely and contempt by servile hirelings and salaried slanderers. And when his malignant foes failed to debauch the electors and defeat the fixed purpose of an uncorrupted and uncorruptible people, they, in their desperation, fired the black heart of murder, and armed an assassin for the dastardly deed that closed in darkness his great career, and left a pall of shame and horror upon the Commonwealth of Ken-

tucky. What were the crimes for which William Goebel fell? This man did not die because he was a Democrat. I have followed his patriotic and inspiring career closely. In the study of great transportation questions he has been my preceptor and my model, and as long as God shall spare me and the people shall trust me in public life, he shall be my guide. This man never made political speeches. He merely referred to politics in passing. I have never seen or heard a political discussion of any length from the pen or tongue of William Goebel. What, then, were the things that caused his death? I'll tell you. He proposed to enlarge, the first thing, the railroad commission of Kentucky, in opposition to the powerful influences that sought to destroy it. He drove from the corridors of the Capitol the nest of lobbyists who had assembled there to debauch the Legislature and despoil the State. He proposed to shorten the hours of labor, to relieve men engaged in the most perilous enterprises known, in order that the patient toiler might have some rest from the terrific strain, and in order that hundreds of innocent and helpless men might not be dashed to death because some wretch kept on the watch day and night, without rest or repose, fell asleep at the key or switch. He proposed to give to the engineer at the throttle the same measure of protection that for years had been guaranteed to the tramp on the highway. He proposed to give vitality and life to the railroad commission that was then and is now a farce and a sham, in order that it might protect the shipper from the extortionate rates, and the State from fraud and chicanery. Let twenty years of Federal legislation, let imperial history answer whether William Goebel was an incendiary or a seer. Do you know, members of the Legislature of Kentucky who now confront me, that the legislation that he once proposed for the State of Kentucky, the reforms which he hoped to see adopted here, have in other realms become the goal and the model for Federal legislation? This great pathfinder was more than a constructive states-

man. He possessed the rare and ardent gifts of invention and prophecy. He not only constructed—he created. He was in his day the lonely navigator of an uncharted and unfathomed sea. Heyburn and Dolliver—and today men like Adamson, and even Wilson himself, are but treading in the way blazed twenty years ago by the dead William Goebel, who in his own day knew no fellow in the wilderness. Why, the Progressives in both political parties point at this hour to the effectual regulation of common carriers as their greatest and most substantial achievement, and while I now address you the greatest Executive of a century and a Congress in complete accord are attempting to liberate the government and the business of this country from corporate control, by enlarging the powers of the commission until it shall have the right and authority to regulate rates, supervise capitalization, determine the fiscal value, and to direct the operation of common carriers engaged in interstate commerce. It may be, my friends, that in the days to come political economists and historians may differ as to the man and his measure, but the just among his adversaries are bound to admit the sincerity of his motives and the disinterestedness of his devotion to the great cause he espoused.

Gain and glory alike are vanities when seen through the glassy eyes of death. When all that honor, all that wealth, could give were but ashes in his cold hands, and even in the midst of the agonies of eternal dissolution, his great mission was ever before him, and, unmindful of the blighted hopes and the racking pain and the chilling gloom, his great life conquered death, and rose like a transfiguration, and in whispers, in an hour like that, he admonished those who were to succeed him to be brave and fearless and loyal to the great common people—and then William Goebel was no more. His devoted followers placed him at the helm of the ship of state, and when they did, his was the pilot's commission, and the pilot's sense of obligation. Have you ever at

midnight watched the pilot aloft, guiding the course of a stately ship through the gleaming deep? Those who slumber on the decks below may be strangers all, speaking an unknown tongue, not of his race or realm, but let that ship strike the unseen rock, let it be buffeted by the rage of winds and waves, until the masts are down and the decks are awash; let it be licked by hungry flames. He will be burned to a char, or go down with the ship into the abysm of the sea, before he will desert his post while one helpless soul remains on the slippery decks below, dependent upon his courage or his skill. William Goebel through all the years of his public life stood like a pilot at the wheel. He faced dangers more insidious than the hidden shoals, enemies more ruthless than the raging storm. He gazed without flinching, with an untroubled vision, serene and calm into the grinning jaws of death, and, like a pilot, he went down with his hand on the wheel.

Monuments, my friends, are erected to the living, not to the dead. We need no storied urn to redeem the name and the fame of William Goebel from oblivion, for his name is inscribed on the hearts of his countrymen, and his deeds form the brightest and most tragic page in his country's history. That stone yonder is not a monument, but a beacon. It is erected not to mark the resting place of the dead, but to inspire and direct the onward march of the living. He fell like a Centaur, in front of the Capitol of the Commonwealth, defending the sanctity of its courts and the independence of its legislative assembly, and in front of the Capitol now is that inspiring figure of William Goebel, that in death as in life still shall stand a sentinel, challenging fraud and corruption, the while a vigilant guard of the friendless, the homeless and the oppressed.

Ex-Gov. J. C. W. Beckham having spoken extemporaneously, no copy of his speech could be secured.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

H. B. 63. An Act to establish an Insurance and Annuity Fund for Teachers in the Public Schools in the cities of the second class in the State of Kentucky, and to regulate the collection, management, and disbursements thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The general care and management of the insurance and annuity fund of the public school teachers of the cities of the second class shall be vested in the treasurer of the board of education or, if a bank be the treasurer, in the president thereof, the superintendent of the public schools, the president of the board of education, and four members of the teaching staff, the last named to be chosen by ballot at a meeting of the teachers called by the superintendent of public schools on the second Saturday of May in each year. At this meeting any vacancy in the membership of the board of insurance and annuity, to be filled from among the teachers, shall be filled by ballot. The length of service of the four members, from among the teachers chosen at the first election, shall be determined by lot; one member shall serve for four years, one member shall serve for three years, one member shall serve for two years, and the remaining member shall serve for one year, and thereafter one member shall be elected each year. Said board shall establish, from time to time, such rules and regulations for administration of said fund as it may deem best, and said board shall make pay-

ments from the said fund of annuities granted in pursuance of this act. The members of this board, with the exception of the treasurer, shall serve without remuneration.

The treasurer of the Board of Education of the city of the second class shall receive and hold all moneys belonging to said funds, and may invest the same, by direction of said Board of Insurance and Annuity in national, state, county, or municipal bonds or bonds accompanied by first mortgages on improved real estate, or in such investments as are deemed legal for insurance companies in the State of Kentucky, to an extent not to exceed fifty per cent of the value thereof. Said treasurer shall make payments from said fund only when directed by said Board of Insurance and Annuity. Said treasurer shall report in detail to said Board of Insurance and Annuity, annually, on the second Saturday of May, or oftener if required by said board, the condition of said fund and the items of the receipts and disbursements of the same. Said treasurer shall give bond for the faithful performance of his duties in an amount and in such manner as prescribed by the Board of Insurance and Annuity. From said fund shall also be paid to the treasurer, annually, an amount decided upon by the Board of Insurance and Annuity, as remuneration for his services.

§ 2. The Insurance and Annuity Fund shall consist of the following, with interest, income, and profits thereof:

1. The sum of one thousand (\$1,000) dollars or more yearly may be provided by the Board of Education of a city of the second class, out of funds coming to its hands for maintenance of schools.

2. A fund may be provided by the Board of City Commissioners which shall be raised by a yearly levy of one cent on every hundred dollars' worth of taxable property in said city.

3. After the Board of Education of a city of the second class has provided for the payment of \$1,000 yearly or more,

and the Board of Commissioners of said city of the second class has levied a tax of one cent on every hundred dollars' worth of taxable property of such city for the maintenance of an Insurance and Annuity Fund for the teachers in the public schools of said city; then, one per centum of the salaries of all teachers of the public schools of such city who have been engaged in teaching in said public school for ten years or under, and two per centum of the salaries of all teachers who have been engaged in teaching more than ten years, shall be withheld and added to the fund, provided that no payment shall exceed forty (\$40) dollars per annum. The treasurer of the Board of Education of such city, shall deduct, monthly, from the salary of every teacher the amount provided for in said schedule, which amount shall be turned monthly into said Insurance and Annuity fund.

After the passage and adoption of this act each contract made with teachers by the Board of Education of such city shall specify that the sums in this paragraph provided shall be deducted from each and every teacher's salary. Any teacher who shall retire, or who shall be retired from service as teacher, and who shall not be in receipt of or entitled to an annuity under this act, shall have refunded to him or her three-fourths of the amount, without interest, which he or she has contributed to the Insurance and Annuity Fund. If such teacher shall again teach in public schools and shall, within a time specified by the Board of Insurance and Annuity, repay to said fund the amount so returned to such teacher, together with simple interest on said amount (not to exceed four per centum per annum), such teacher shall, upon returning to regular school work, receive credit for past years of service. In the event of the death of any teacher entitled to the provisions of this act, before such teacher has been retired upon an annuity, then in that case the heirs or legatees of such deceased teacher shall be entitled to a sum out of said fund equal to three-fourths the sum, without interest, paid by such teacher into said fund.

4. Moneys received from donations, legacies, bequests, gifts, devises, or otherwise may be used to augment this fund and the amount or amounts so received, together with ten per centum of all other receipts shall constitute a sinking fund and such sinking fund shall be and remain a permanent fund and no part thereof shall be expended except the interest and income thereof and therefrom, provided that one-half of the amount added to such sinking fund may be used during the year immediately following its addition, if its use be deemed necessary by the Board of Insurance and Annuity.

5. All such other increment as may be duly and legally devised for the increase of said fund.

§ 3. 1. The Board of Insurance and Annuity shall annually appoint three surgeons or physicians of at least ten years' active practice, who shall be known as the Board of Medical Examiners, who shall serve without pay, and who shall, upon request of the Board of Education or the Board of Education or the Board of Insurance and Annuity, make examinations and report their findings in writing to the board making such request.

2. On recommendation of a majority vote of said Board of Education said Board of Insurance and Annuity shall place on the disability list any teacher of the public schools of such city who has been engaged in the work of teaching for a period aggregating fifteen years in the public schools of the State of Kentucky, the last ten years of which shall have been in the public school of the city granting the annuity, and who is found by said Board of Medical Examiners to be mentally and physically incapacitated for the further performance of duty as a teacher.

3. Any teacher of the public schools of such city who has been engaged in teaching in the public schools of the State of Kentucky for a period aggregating fifteen years, the last ten of which shall have been in the public schools of

the city granting the annuity, shall have the right to apply to the Board of Insurance and Annuity to be placed on the disability list, on the ground that he or she is physically or mentally incapacitated for further performance of duty as a teacher. Any applicant for retirement on said ground of disability shall submit to a proper examination by said Board of Medical Examiners before his or her application shall be considered.

4. Nothing in this act shall be construed as prohibiting the Board of Insurance and Annuity, by a majority vote, from recommending to the Board of Education that the disability of a teacher retired under this section shall be ended. Said Board of Education may, on the recommendation of said Board of Insurance and Annuity, declare ended the disability of a teacher retired under the terms of this section, and, upon its delivery to said teacher of a contract of reappointment to a position as teacher, the payment of the annuity of such teacher under this disability clause shall be discontinued. In no case, however, shall disability provided for in this section be declared ended or finished until an examination of such teacher has been made by said Board of Medical Examiners.

5. The provisions of this section shall not apply to ordinary or temporary disability.

6. Upon retirement under the disability act, such teacher shall be entitled to receive, during the period of disability, a retirement annuity, payable in monthly installments, which shall be the same fraction of the maximum retirement annuity as said teacher's time of service is of thirty-five years, provided that application for such retirement annuity shall be made not later than two years after the termination of the last month of employment. The payment of said annuity shall date from the time of the granting thereof by said Board of Insurance and Annuity.

§ 4. 1. Upon the recommendation of the Board of Education, the Board of Insurance and Annuity shall place

on the retired list any teacher who has taught in the public schools for a period aggregating twenty-five years, twenty years of which shall have been in the public schools of the State of Kentucky, and the last fifteen years in the public schools of the city wherein said teacher is employed at the time of retirement.

2. Any teacher of the public schools of such city who has taught for a period aggregating not less than twenty-five years, twenty years of which shall have been in the public schools of the State of Kentucky and the last fifteen years in the public schools of the city granting the annuity, shall have the right, upon application to the Board of Insurance and Annuity, to be placed on the retired list.

3. The annuity of any teacher retired under the provisions of this act, after twenty-five years of employment, shall be thirty per centum of his or her average contractual salary for the last five years before retirement, and two per centum of his or her average contractual salary for the last five years before retirement for each and every year of employment in excess of twenty-five years; provided, however, that unless otherwise specified, no annuity shall be more than fifty per centum of a teacher's average contractual salary for the past five years before retirement; and provided, further, that no annuities granted under the provisions of this act shall be more than six hundred (\$600) dollars.

4. No annuities shall be paid, under the provisions of this act, unless the retiring teacher shall have first paid into the Insurance and Annuity Fund such sum or sums as shall make his or her total payments equal to the amount of the annuity paid for the first year; but should such retiring teacher be unable to pay the full amount of said sum before receiving the annuity, the Board of Insurance and Annuity shall, in paying the annuity of such teacher, withhold from each monthly payment twenty per centum thereof until the full amount hereinbefore provided for shall have been contributed to the fund.

5. If said Insurance and Annuity fund shall, at any time, be found insufficient to carry out the provisions of this act, the amount in said fund shall, during the continuance of such insufficiency, be distributed, pro rata, among the persons entitled thereto, and such distribution shall be in full of all annuities then due.

6. Any teacher may be given a leave of absence for study, professional improvement, or temporary disability, and shall be regarded as a teacher and entitled to the full benefits of this act, provided that the payment of such funds shall be continued during said leave of absence and shall equal the assessment paid by such teacher for the next year preceding the period or periods of absence, respectively.

7. In computing time, under the provisions of this act, such time shall include the period of service rendered both before and after the taking effect of this act. Credit shall be given for time spent as a regular and salaried substitute teacher.

8. The payment of said annuity shall be suspended whenever the person to whom said annuity has been granted resumes work as a regular and salaried teacher in any public school.

9. Unless otherwise determined by each respective Board of Insurance and Annuity in a city of the second class of the State of Kentucky, no annuities shall be paid out of said fund for the first three years after the passage and adoption of this act.

§ 5. The Board of Insurance and Annuity shall have power to make definite by-laws and regulations for the holding of meetings, the collection and disbursement of money, and the care and preservation of the same, and the proper execution of the provisions and purposes of this act.

§ 6. All annuities granted and payable under the provisions of this act shall be and are exempt from seizure or levy upon attachment, execution, or any other process of law, or in equity, whether mesne or final; and such annuities or any

payment of the same shall not be subject to sale, assignment, or transfer by any beneficiary, and such transfer shall be absolutely void.

§ 7. The term "teacher" as used in this act shall mean and include any superintendent, assistant superintendent, principal, assistant principal, person in charge of any special department of instruction, and any teacher or instructor regularly employed in the public schools or public kindergartens of the cities of the second class in the State of Kentucky.

§ 8. The term "Board of Education" as used in this act shall mean the bodies now in control and management of the public schools of all cities of the second class in the State of Kentucky, as now created and constituted, or as they may be constituted hereafter, or any boards or bodies of officials who shall have the control and management of the public schools of such cities.

§ 9. The provisions of this act shall take effect and be in force in any city of the second class of the State of Kentucky from and after its passage and approval by the Governor, and its adoption by the Board of Education, and by the Board of City Commissioners of said city.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle
Charles Arnett

W. J. Bale
W. W. Booles

Joe F. Bosworth
Hiram M. Brock

J. Will Clay	D. H. Hildreth	R. M. Salmon
Nim R. Cobern	C. Holman	Dr. H. G. Sanders
John H. Durham	Hite Huffaker	Robert H. Scott
John F. Ford	S. L. Marshall	G. G. Speer
W. A. Frost	C. F. Montgomery	J. T. Tunis
Seldon R. Glenn	W. B. Moody	Mitchell Vincent
Walker C. Hall	T. J. Moore	W. F. Welch
Webster Helm	H. G. Overstreet	J. H. Williams
J. B. Hiles	Sam L. Robertson	J. R. Zimmerman

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 11. An Act to provide and regulate the method of compensation for injured and dependents of skilled employees; to create a State Insurance Fund and to provide for the administration of such funds by a State Liability Board of Awards.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a State Liability Board of Awards to be composed of three members, not more than

two of them shall belong to the same political party, to be appointed by the Governor, within thirty days after the passage of this act, one of which members shall be appointed for the term of two years, one member for four years, and one member for six years, and thereafter as their terms expire, the Governor shall appoint one member for the term of six years. Vacancies shall be filled by appointment by the Governor for the unexpired term. The terms shall begin July 1st.

§ 2. Each member of the board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit or engage in any occupation or business interfering or inconsistent with his duty as such member, or serve on or under any committee of any political party.

§ 3. Each member of the board shall receive an annual salary of three thousand dollars, payable in the same manner as salaries of other State officers are paid.

§ 4. The board shall be in continuous session and open for the transaction of business during all the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its records. All proceedings of the board shall be shown on its records of proceedings, which shall be a public record, and shall contain a record of each case considered and the award made with respect thereto, and all voting shall be had by the calling of each member's name by the secretary and each vote shall be recorded as cast.

§ 5. A majority of the board shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full board so long as a majority remains. Any investigations, inquiry or hearing, which the board is authorized to hold or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings, and decisions of the board, and every

order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on its record of proceedings, shall be deemed to be the order of the board.

§ 6. The board shall keep and maintain its main office in the City of Frankfort, and such branch office or offices in other cities of the State as it shall deem proper, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the State treasury. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, upon which shall be inserted the words, "State Liability Board of Awards—State of Kentucky, Official Seal." The board may hold sessions at any place within the State.

§ 7. The board may employ a secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and fix their compensation. Each employment and compensation shall be first approved by the Governor and shall be paid out of the State treasury. The members of the board, secretary, actuaries, accountants, inspectors, experts, clerks, physicians, stenographers and other assistants that may be employed shall be entitled to receive from the State treasury their actual and necessary expense while traveling on the business of the board, and the members of the board may confer and meet with officers of other states and officers of the United States on any matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expenses and be allowed by the board.

§ 8. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notices, and the services thereof, in cases of accident and injury to employes, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the right to benefits or com-

pensation from the State insurance fund, hereinafter provided for, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the methods of making investigations, physical examinations and inspections, and prescribe the time within which adjudications and awards shall be made.

§ 9. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. In the month of January of each year every employer of the State, employing three or more employes regularly in the same business, or in or about the same establishment, shall prepare and mail to the board, at its main office in the City of Frankfort, Kentucky, a statement containing the following information, viz.: the number of employes employed during the preceding year from January 1st to December 31st, inclusive; the number of such employes employed at each kind of employment; and the aggregate amount of wages paid to such employes, which information shall be furnished on a blank or blanks to be prepared by the board, and it shall be the duty of the board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blank, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the board in writing good and sufficient reasons for such failure. The board may require that the information herein required to be furnished be verified under oath and returned to the board within the period fixed by it or by law. The board or any member thereof, or any person employed by the board for that purpose, shall have the right to examine under oath any employer, or the officer, agent or employe thereof for the purpose of ascertaining any information which such employer is required by this act to furnish to the board.

Any employer who shall fail or refuse to furnish to the

board the annual statement herein required, or who shall fail or refuse to furnish such other information as may be required by the board under authority of this section, shall be liable to a penalty of five hundred dollars, to be collected in a civil action brought against said employer in the name of the State; all such penalties when collected shall be paid into the State insurance fund and become a part thereof.

§ 10. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the board by employers in pursuance of the provisions of said section, shall be for the exclusive use and information of said board in the discharge of its official duties, and shall not be open to the public nor used in any court in any action or proceeding pending therein, unless the board is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the department, in statistical form, for the use and information of other State departments and the public. Any person in the employ of the board who shall divulge any information secured by him in respect to the transactions, property or business of any company, firm, corporation, person, association, co-partnership or public utility to any person other than the members of the board, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and shall thereafter be disqualified from holding any appointment or employment with the board.

§ 11. Each member of the board, the secretary and every inspector and examiner appointed by the board, shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

§ 12. In case of disobedience of any person to comply with the order of the board or subpoena issued by it or one

of its inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the county judge of the county in which the person resides, on application of any member of the board or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirement of subpoenas issued from such court on a refusal to testify therein.

§ 13. Each officer who serves such subpoena shall receive the same fee as a sheriff, and each witness who appears, in obedience to a subpoena, before the board or an inspector or examiner, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in circuit courts, which shall be audited and paid for from the State treasury in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witness subpoenaed at the instance of a party other than the board or an inspector shall be entitled to compensation from the State treasury unless the board shall certify that his testimony was material to the matter investigated.

§ 14. In an investigation, the board may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by the law for like depositions in civil actions in the circuit court.

§ 15. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, by a stenographer appointed by the board, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, may be received in evidence by the board with the same effect as if such stenographer were

present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for in transcripts in circuit courts.

§ 16. The board shall prepare and furnish blank forms, and provide in its rules for their distribution so that the same may be readily available, of applications for benefits or compensation from the State Insurance fund, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of insured employers to constantly keep on hand sufficient supply of such blanks.

§ 17. The State Liability Board of Awards shall classify occupations with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total payroll and number of employes in each of said classes of occupation sufficiently large to provide an adequate fund for the compensation provided for in this act, and to maintain a State insurance fund from year to year.

§ 18. It shall be the duty of the State Liability Board of Awards in the exercise of the powers and discretion conferred upon it in the preceding section, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the maintenance of a solvent State insurance fund and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury and death that it may authorize to be paid from the State insurance fund for the benefit of injured and the dependents of killed employes; and, in order that said object may be accomplished, the board shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same.

1. It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or

industries, and the disbursements on account of injuries and death of employes thereof, and it shall also keep an account of the money received from each individual employer and the amount disbursed from the State insurance fund on account of injuries and death of the employes of such employer.

2. Ten per cent of the money that may hereafter be paid into such fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars (\$100,000.00), after which time the sum of five per cent of all the money paid into the State insurance fund shall be credited to such surplus fund, until such time as, in judgment of the board, such surplus shall be sufficiently large to guarantee a State insurance fund from year to year.

3. On the first day of January, 1915, and semi-annually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry which, in the judgment of the board, has developed an average loss ratio in accordance with the experience of the board in the administration of the law as shown by the accounts kept as provided herein.

4. Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above mentioned amounts have been credited to the surplus fund and after the payment of all awards for injury or death lawfully chargeable against the same, the premium rates for such class shall be reduced; and each individual member of such class, who has been a subscriber to the State insurance fund for a period of six months or longer prior to the time of such readjustment and whose premium or premiums so paid to the fund exceeds the amount of the disbursements from the fund on account of injuries or death to his employes during the period, shall be entitled to a credit on the installment or installments or premiums next due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sus-

tains to the whole amount of said premiums paid by the class to which he belongs since the last readjustment of rates.

§ 19. The State Liability Board of Awards shall adopt rules and regulations with respect to the collection, maintenance and disbursement of the State insurance fund; one of which rules shall provide that in the event of the amount of premium collected from any employer at the beginning of any period of six months is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, that an adjustment of the amount of such premium shall be made at the end of such six months' period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period; and, in the event such wage expenditure for said period is less than the amount on which such estimated premium was collected, then such employer shall be entitled to receive a refunder from the State insurance fund of the difference between the amount so paid by him and the amount so found to be actually due, or to have the amount of such difference credited on succeeding premium payments at his option, and should such actual premium, when ascertained as aforesaid, exceed in amount the premium so paid by such employer at the beginning of such six months' period, such employer shall immediately upon being advised of the true amount of such premium due, forthwith pay to the Treasurer of State an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of said six months' period.

§ 20. The Treasurer of State shall be the custodian of the State insurance fund, and all disbursements therefrom shall be paid by him upon vouchers authorized by the State Liability Board of Awards and signed by any two members of the board; or, such vouchers may bear the facsimile signature of the board members printed therein, and the signature of the chief of the auditing department.

§ 21. The Treasurer of State is hereby authorized to deposit any portion of the State insurance fund not needed for immediate use in the same manner and subject to all the provisions of the law with respect to the deposit of State funds by such Treasurer; and all interest earned by such portion of the State insurance fund as may be deposited by the State Treasurer in pursuance of authority herein given shall be collected by him and placed to the credit of such fund.

§ 22. The State Liability Board of Awards shall have the power to invest any of the surplus or reserve belonging to the State insurance fund in bonds of the United States, the State of Kentucky, or of any county, city, village or school district of the State of Kentucky, at current market prices of such bonds; provided that such purchase be authorized by a resolution adopted by the board and approved by the Governor; and it shall be the duty of the board of officers of the several taxing districts of the State in the issuance and sale of bonds of their respective taxing districts to offer in writing to the State Liability Board of Awards, prior to advertising the same for sale, all such issues as may not have been taken by the trustees of the sinking fund of the taxing district so issuing such bonds; and said board shall, within ten days after the receipt of such written offer, either accept the same and purchase such bonds or any portion thereof at par and accrued interest, or reject such offer in writing; and all such bonds so purchased forthwith shall be placed in the hands of the Treasurer of State, to collect the interest thereon as the same becomes due and payable, and also the principal thereof, and to pay the same, when so collected, into the State insurance fund. The Treasurer of State shall honor and pay all vouchers drawn on the State insurance fund of the board, upon delivery of said bonds to him when there is attached to such voucher a certified copy of such resolution of the board authorizing the purchase of such bonds; and the board may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the pur-

chaser to the Treasurer of State upon delivery to him of said bonds by the Treasurer.

§ 23. The Treasurer of State shall give a separate and additional bond in such amount as may be fixed by the Governor, and with sureties to his approval, conditional for the faithful performance of his duties as custodian of the State insurance fund.

§ 24. The following shall constitute employers subject to the provisions of this act:

1. The State and each county, city, town, taxing district and school district therein.

2. Every person, firm and private corporation, including any public service corporation that has in service three or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract of hire, express or implied, oral or written.

§ 25. The term "employee," "workman," and "operative," as used in this act, shall be construed to mean:

1. Every person in the service of the State, or in any county, city, town, taxing district or school district therein, including regular members of lawfully constituted police and fire departments of cities and towns, under any appointment or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, taxing district or school district therein. Provided that nothing in this act shall apply to policemen or firemen in cities where policemen's or firemen's pensions funds are now or hereafter may be established and maintained by municipal authority under existing laws.

2. Every person in the service of any person, firm or private corporation, including any public service corporation employing three or more workmen or operatives regularly in the same business, or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work for hire under the laws of the State,

but not including any person whose employment is but casual, or not in the usual course of the trade, business, profession or occupation of his employer.

§ 26. Every employer mentioned in subdivision one of Section twenty-four hereof, shall contribute to the State insurance fund in proportion to the annual expenditure of money by such employer for the service of persons described in subdivision 1 of Section twenty-five thereof, the amount of such payments and the methods of making the same to be determined as hereinafter provided.

§ 27. The amount of money to be contributed by the State itself, and by each county, city, town, school or other taxing district of the State shall be, unless otherwise provided by law, a sum equal to one per centum of the amount of money expended by the State, and each county, city, town, school district or other taxing district, respectively during the next preceding fiscal year for the service of persons described in subdivision one of Section twenty-five hereof.

§ 28. In the month of January in the year 1915 and 1916 the Auditor of State shall draw his warrant on the Treasurer of State in favor of said treasurer as custodian of the State insurance fund, and for deposit to the credit of said fund, for a sum equal to one per centum of the amount of money expended by the State during the last preceding fiscal year, for the service of persons described in subdivision one of Section twenty-five hereof, which said sums are hereby appropriated and made available for such payments; and hereafter in the month of January of each year such sums of money shall in like manner be paid into the State insurance fund as may be provided by law; and it shall be the duty of the State Liability Board of Awards to communicate to the General Assembly on the first day of each regular session thereof, an estimate of the aggregate amount of money necessary to be contributed by the State during the two years next ensuing as its proper portion of the State insurance fund.

§ 29. In January of each year following the enactment of this law the treasurer of each county shall issue his warrant in favor of the Treasurer of the State of Kentucky on the county treasurer of his county for the aggregate amount due from such county to the State insurance fund, and the proper authorities of each city, town, school or taxing district or other municipal corporation shall likewise pay the amount due from it to such insurance fund; and the Treasurer of State shall immediately upon receiving such money convert the same into the State insurance fund.

§ 30. In February of each year the Treasurer of State shall certify to the State Liability Board of Awards the amount of money that has been paid by him for credit to the State insurance fund as provided in the foregoing sections, and the amount paid by the State itself and by each county, city, town, taxing or school district therein, and at the same time shall certify to the board the names of such as may have made default in the payments hereinbefore provided, and the respective amounts for which they are in default. When any default is made in the payment of the sums hereinbefore required to be contributed to the State insurance fund, or when any official fails, neglects or refuses to perform any act or acts required to be performed by him with reference to the making of such payments it shall be the duty of the State Liability Board of Awards forthwith to institute the proper proceedings in court to compel such payment or payments to be made.

The State Liability Board of Awards shall keep a separate account of the money paid into the State insurance fund by the State and its political subdivisions as hereinbefore provided, and the disbursements made therefrom on account of injuries to public employes.

§ 31. Every employe mentioned in subdivision one of Section twenty-five hereof, who is injured, and the dependents of such as are killed in the course of employment, where-soever such injury has occurred, provided the same was not

purposely self-inflicted, on or after January 1st, 1915, shall be paid such compensation out of the State insurance fund for loss sustained on account of such injury or death as is provided in the case of other injured or killed employes, and shall be entitled to receive such medical, nurse and hospital services and medicines, and such amount of funeral expenses as are payable in the case of other injured or killed employes.

Every employe mentioned in subdivision two of Section twenty-five hereof, who is injured, and the dependents of such as are killed in course of employment, wheresoever such injury has occurred, provided the same was not purposely self inflicted, on and after January 1st, 1915, shall be entitled to receive, from the State insurance fund, such compensation for loss sustained on account of such injury or death, and such medical, nurse and hospital services and medicines, and such amount of funeral expenses in case of death as is provided by Section forty-two to fifty-one, inclusive, of this act.

§ 32. Except as otherwise provided, every employer mentioned in subdivision two of Section twenty-four hereof, shall, in the month of January, 1915, and semi-annually thereafter, pay into the State insurance fund the amounts of premium determined and fixed by the State Liability Board of Awards for the employment or occupation of such employer the amount of which premium to be so paid by each such employer to be determined by the classifications, rules and rates made and published by the board; and such employers shall semi-annually thereafter pay such further sum of money into the State insurance fund as may be ascertained to be due from him by applying the rules of the board, and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the State Liability Board of Awards, which receipts or certificate, attested by the seal of the board, shall be prima facie evidence of the payment of such premium.

§ 33. Employers who comply with the provisions of

the last preceding section shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injury or death of any employe, whenever occurring, during the period covered by such premium so paid into the State insurance fund.

§ 34. Any employer who employs less than three workmen or operatives regularly in the same business, or in or about the same establishment, who shall pay into the State insurance fund the premiums provided by this act, shall not be liable to respond in damages common law or by statute, save as hereinafter provided, for injuries or death of any such employes, wherever occurring, during the period covered by such premiums, provided the injured employe has remained in his service with notice that his employer has paid into the State insurance fund the premiums provided by this act; the continuation in the service of such employer with such notice shall be deemed a waiver by the employe of his rights of action as aforesaid.

§ 35. Each employer paying the premiums provided by this act into the State insurance fund, shall post in conspicuous places about his place or places of business type-written or printed notices stating the fact that he has made such payment; and of any subsequent payments he may make after such notices have been posted.

§ 36. The State Liability Board of Awards shall disburse the State insurance fund to such employes of employers as have paid into said fund the premiums applicable to the classes to which they belong, who have been injured in the course of their employment, wheresoever such injuries have occurred, and which have not been purposely self-inflicted, or to their dependents in case death has ensued.

And such payment or payments to such injured employes, or to their dependents in case death has ensued, shall be in lieu of any and all rights of action whatsoever against the employer of such injured or killed employe.

§ 37. Employers mentioned in subdivision two of Sec-

tion twenty-four hereof, who shall fail to comply with the provisions of Section thirty-two hereof, shall not be entitled to the benefits of this act during the period of such non-compliance, but shall be liable to their employes for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employes, and also to the personal representatives of such employes where death results from such injuries, and in such action the defendant shall not avail himself or itself of the following common law defenses:

The defense of the fellow-servant rule, the defense of the assumption of risk or the defense of contributory negligence.

And such employers shall also be subject to the provisions of the two sections next succeeding.

§ 38. Any employe whose employer has failed to comply with the provisions of Section thirty-two hereof, who has been injured in the course of his employment, wheresoever such injury has occurred, and which was not purposely self-inflicted, or his dependents, in case death has ensued, may, in lieu of proceedings against his employer by civil action in the courts, as provided in the last preceding section, file his application with the State Liability Board of Awards for compensation in accordance with the terms of this act, and the board shall hear and determine such application for compensation in like manner as in other claims before the board; and the amount of the compensation which said board may ascertain and determine to be due to such injured employe, or to his dependents in case death has ensued, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the board; and in the event of the failure, neglect or refusal of the employer to pay such compensation to the person entitled thereto, within said period of ten days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed

by the board, which, with an added penalty of fifty per centum, may be recovered in an action in the name of the State for the benefit of the person or persons entitled to the same.

And the State Liability Board of Awards shall adopt and publish rules and regulations governing the procedure before the board provided in this section, and shall prescribe forms of notices and the mode and manner of serving the same in all claims for compensation arising under this section.

Any suit, action or proceeding brought against any employer under the provisions of this section may be compromised by the board, or such suit, action or proceeding may be prosecuted to final judgment as in the discretion of the board may best subserve the interests of the person entitled to receive such compensation.

§ 39. If any employer shall default in any payment required to be made by him to the State insurance fund, the amount due from him shall be collected by civil action against him in the name of the State as plaintiff; and it shall be the duty of the State Liability Board of Awards on the first Monday in February, 1915, and on the first Monday of each month thereafter, to certify to the Attorney General of the State the names and residences of all employers known to the board to be in default for such payments for a longer period than five days, and the amount due from each such employer, and it shall then be the duty of the Attorney General forthwith to bring, or cause to be brought, against each such employer a civil action in the proper court for the collection of such amount so due, and the same when collected shall be paid into the State insurance fund, and such employer's compliance with the provisions of this act requiring payments to be made to the State insurance fund shall date from the time of the payment of said money so collected as aforesaid to the Treasurer of State for credit to the State insurance fund. The State shall have a lien prior to every

other claim, save taxes, on all assets of the employer invested in such business, for such premium and for all judgments recovered under this act.

§ 40. But where a personal injury is suffered by an employe, or where death results to any employe from personal injury while in the employ of an employer in the course of employment, and such employer has paid into the State insurance fund the premium provided for in this act, and such injury has arisen from the wilful act of such employer, or any of such employer's officers or agents, or from the failure of such employer or any of such employer's officers or agents to comply with any statutory requirements for the protection of the lives and safety of employes, then in such event nothing in this act contained shall effect the civil liability of such employer, but such injured employe, or his legal representative in case death results from the injury, may, at his option either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury, and such employer shall not be liable for any injury to any employe or his legal representative in case death results, except as provided in this section; and in all actions authorized by this section the defendant shall be entitled to plead the defense of contributory negligence and the defense of the fellow-servant rule; and, in all cases determined in court when a judgment is awarded the plaintiff, the court shall determine, fix and award the amount of fee or fees to be paid plaintiff's attorney or attorneys, any contract to the contrary notwithstanding.

Every employe, or his legal representative in case death results, who makes application for an award, waives his right to exercise his option to institute proceedings in any court, except as provided in Section fifty-four hereof. Every employe, or his legal representative in case death results, who exercises his option to institute proceedings in court as provided in this section, waives his right to any award as provided in this act.

§ 41. No compensation shall be allowed for the first week after the injury is received, except disbursement hereinafter authorized for medical, nurse and hospital services and medicines, and for funeral expenses.

§ 42. In case of temporary disability, the employe shall receive sixty-six and two-thirds per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, unless the employe's wages shall be less than five dollars per week, in which event he shall receive compensation equal to his full wages; but in no case to continue for more than six years from the date of the injury, or to exceed three thousand seven hundred and fifty dollars.

§ 43. In case of injury resulting in partial disability, the employe shall receive sixty-six and two-thirds per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of twelve dollars per week, or a greater sum in the aggregate than thirty-seven hundred and fifty dollars. In cases included in the following schedule, the disability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be specified herein, to-wit:

For the loss of a thumb, 66 2-3 per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called index finger, 66 2-3 per cent of the average weekly wages during thirty-five weeks.

For the loss of a second finger, 66 2-3 per cent of the average weekly wages during thirty weeks.

For the loss of a third finger, 66 2-3 per cent of the average weekly wages during twenty weeks.

For the loss of a fourth finger, commonly known as the little finger, 66 2-3 per cent of the average weekly wages during fifteen weeks.

The loss of the second, or distal phalange, of the thumb

shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided for in this schedule for the loss of a hand.

For the loss of the metacarpel bone (bones of palm) for the corresponding thumb, finger or fingers as above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, 66 2-3 per cent of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, 66 2-3 per cent of the average weekly wages during two hundred weeks.

For the loss of a great toe, 66 2-3 per cent of the average weekly wages during thirty weeks.

For the loss of one of the toes other than the great toe, 66 2-3 per cent of the average weekly wages during ten weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be no loss.

The loss of a foot, 66 2-3 per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, 66 2-3 per cent of the average weekly wages during one hundred and seventy-five weeks.

For the loss of an eye, 66 2-3 per cent of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitations as to the maximum weekly amount payable as hereinbefore specified in this section.

§ 44. In cases of permanent total disability, the award shall be sixty-six and two-thirds per cent of the average weekly wages, and shall continue until death of such person so totally disabled, but not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, unless the employe's average wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall prima facie constitute total and permanent disability, to be compensated according to the provisions of this section.

§ 45. In case the injury causes death within the period of two years, the benefits shall be in the amounts and to the persons following:

1. If there be no dependents, the disbursements from the State insurance fund shall be limited to the expenses provided for in Section fifty-three hereof.

2. If there are wholly dependent persons at the time of the death, the payments shall be sixty-six and two-thirds per cent of the average weekly wages, and to continue for the remainder of the period between the date of the death, and six years after the date of the injury, and not to amount to more than a maximum of thirty-seven hundred and fifty dollars, nor less than a minimum of one thousand five hundred dollars.

3. If there are partly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent of the average weekly wages, and to continue for all of

such portion of the period of six years after the date of the injury as the board in each case may determine, and not to amount to more than a maximum of thirty-seven hundred and fifty dollars.

§ 46. The following persons shall be presumed to be wholly dependent for support of a deceased employe:

(A) A wife upon a husband with whom she lives at the time of his death.

(B) A child or children under age of sixteen years (or over said age if physically or mentally incapacitated from earning) upon the parent with whom he is living at the time of the death of such parent.

In all other cases, questions of dependency in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in the death of such employe, but no person shall be considered as dependent unless a member of the family of the deceased employe, or bears to him or her the relation of widower or widow, lineal descendant, ancestor or brother or sister. The word "child" as used in this act shall include a posthumous child, and a child legally adopted prior to the injury.

§ 47. The benefits in case of death shall be paid to such one or more of the dependents of the decedent; for the benefit of all the dependents as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payments to a dependent subsequent in right may be made, if the board deem it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the board.

In all cases of death, where the dependents are a widow and one or more minor children, it shall be sufficient for the

widow to make application to the board on behalf of herself and minor children; and in cases where all the dependents are minors, the application shall be made by the guardian or next friend of minor dependents.

§ 48. The average weekly wages of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.

§ 49. If it is established that the injured employe was of such age and experience when injured as that under natural conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wage.

§ 50. The powers and jurisdiction of the board over each case shall be continuing, and it may from time to time make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion, may be justified.

§ 51. The board, under special circumstances, and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

§ 52. Compensation before payment shall be exempt from all claims of creditors and from any attachment or execution, and shall be paid only to such employes or their dependents.

§ 53. In addition to the compensation provided for herein, the board shall disburse and pay from the State insurance fund amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any instance, to exceed the sum of two hundred dollars; and, in case death ensues from the injury, reasonable funeral expenses shall be disbursed and paid from the fund in an amount not to exceed the sum of one hundred and fifty dollars, and the board shall have full power to adopt rules and regulations with respect to furnishing medical, nurse and hospital services and medicine to injured employes entitled thereto, and for the payment thereof.

§ 54. The board shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final. Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the injury was self-inflicted, or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant, within thirty (30) days after the notice of the final action of such board, may, by appealing to the Circuit Court of the county wherein the injury was inflicted, be entitled to a trial in the ordinary way, and be entitled to a jury, if he demands it. In such a proceeding, the county attorney of the county, without additional compensation, shall represent the State Liability Board of Awards, and he shall be notified by the clerk forthwith of such appeal. The appeal shall be taken by filing in the Circuit Court Clerk's office a statement setting out the finding appealed from and that an appeal is taken.

Within thirty days after filing his appeal, the appellant shall file a petition in the ordinary form against such board as defendant, and further pleadings shall be had in such cause, according to the rules of civil procedure and the court, or the jury, under the instructions of the court, if a jury is demanded, shall proceed de novo and determine the right of the claimant; and if they determine the right in his favor, shall fix his compensation within the limits under the rules prescribed in this act; and any final judgment so obtained shall be paid by the State Liability Board of Awards out of the State insurance fund in the same manner as such awards are paid by such board.

The cost of such proceeding, including a reasonable attorney's fee to the claimant's attorney, to be fixed by the trial judge, shall be taxed against the unsuccessful party.

Either party shall have the right to appeal to the Court of Appeals as in other civil cases.

§ 55. Such board shall not be bound by the usual common law of statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

§ 56. No provision of this act relating to the amount of compensation shall be considered by, or called to the attention of the jury on the trial of any action to recover damages as herein provided.

§ 57. A minor working at an age legally permitted under the laws of this State, shall be deemed sui juris for the purposes of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employe, such sum shall be paid only to the legally appointed guardian of such minor.

§ 58. No agreement by an employe to waive his rights or compensation under this act shall be valid. No agreement by an employe to pay any portion of the premium paid by his employer into the State insurance fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of an employe entitled to the benefit of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars for each offense.

§ 59. Any employe claiming the right to receive compensation under this act may be required by the board or its chief medical examiner to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employe, and as may be provided by the rules of the board. If such employe refuses to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the board, or to receive any payments for

compensation theretofore granted, shall be suspended during the period of such refusal or obstruction.

§ 60. All books, records and payrolls, of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the board or any of its traveling auditors, inspectors or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of an employer to submit his books, records and payrolls for the inspection of any member of the board or traveling auditor, inspector or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the State, and paid into the State insurance fund to become a part thereof.

§ 61. Any employer who misrepresents to the board the amount of payroll upon which the premium under this act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the State under this section shall be enforced in a civil action in the name of the State, and all sums collected under this section shall be paid into the State insurance fund.

§ 62. The provisions of this act shall apply to employers and their employes engaged in intrastate and also interstate and foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate and foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the State Liability Board of Awards, and so far

as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances, which when filed with and approved by the board, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes, as if they had been originally included in its terms, during the period or periods for which the premiums herein provided have been paid. Payment of premium shall be on the basis of the payroll of the workmen who accept as aforesaid.

§ 63. Every employer of the State shall keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the State Liability Board of Awards upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employe, and shall state the time, the nature and cause of injury and such other information as may be required by the board. Any employer who refuses or neglects to make any report required by this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) for such offense.

§ 64. Upon the request of the board the attorney general, or under his direction, the Commonwealth or county attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any provisions of this act, or for the recovery of any money due the State insurance fund, or any penalty herein provided for, arising within a county or district in which he was elected, and shall defend in like manner all suits, actions or proceedings brought against the board or the members in their official capacity.

§ 65. All contracts or agreements entered into by an

employer, the purpose of which is to indemnify him from loss or damage on account of the injury of an employe by accidental means on account of the negligence of such employer or such employer's officer, agent, or servant, shall be absolutely void, unless such contract or agreement shall specifically provide for the payment to such injured employe of such amounts for medical, nurse and hospital services and medicines, and such compensation as is provided by this act for injured employes; and in the event of death shall pay such amounts as are herein provided for funeral expenses and for compensation to the dependents or those partially dependent upon such employes; and no such contract shall agree, or be construed to agree, to indemnify such employer, other than hereinbefore designated, for any civil liability for which he may be liable on account of the injury to his employe by the wilful act of such employer, or any of such employer's officers or agents, or the failure of such employer, his officers or agents to observe any statutory requirement for the safety of employes.

§ 66. The board may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section seventeen hereof. The salaries and compensation of the members of the board, of the secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and all other expenses of the board herein authorized, including the premium to be paid by the State Treasurer for the bond to be furnished by him, shall be paid out of the State Treasury upon vouchers signed by two of the members of such board and presented to the Auditor of the State, who shall issue his warrant therefor as in other cases.

§ 67. Annually on or before the 15th day of December, such board, under the oath of at least two of its members, shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, and a general statement of the causes of

accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which the board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the board from time to time to publish and distribute among employers and employes, such general information as to the business transacted by the department as in its judgment may be useful.

§ 68. The board shall cause to be printed in proper form for distribution to the public its classification, rates, rules, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classification, rates, rules, regulations and rules of procedure are printed ready for distribution to all who apply for the same, shall be a sufficient publication of the same as required by this act.

§ 69. No injunction shall issue suspending or restraining any order, classification or rate adopted by the board, or any action of the Auditor of State, Treasurer of State, Attorney General, or the auditor or treasurer of any county, required to be taken by them or any of them by any of the provisions of this act; but nothing herein shall affect any right or defense in any action brought by the board or the State in pursuance of authority contained in this act.

§ 70. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so decided to be unconstitutional.

§ 71. The liability of the State insurance fund herein provided shall commence January 1, 1915, until which time the liability of employers shall continue as it now is. Should compensation be awarded before there is sufficient money in the insurance fund to pay the same, the State Board of

Awards shall borrow the money on the credit of such fund and repay the same as soon as sufficient funds are on hand after deducting the surplus provided.

§ 72. All laws and parts of laws inconsistent herewith are hereby repealed.

A message was received from the Governor, by his Private Secretary, in writing, as follows, viz.:

March 12, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate, will appoint the following Notaries Public for their respective counties in Kentucky:

Acree, R. M., Harlan, Harlan, Ky.
Adkins, Aubrey F., Kenton, Covington, Ky.
Adams, S. W., Kenton, Covington, Ky.
Barrett, W. W., Pike, Mouth Card, Ky.
Boone, G. H., Jefferson, Louisville, Ky.
Bradley, D. C., Allen, Scottsville, Ky.
Bryant, H. L., Whitley, Williamsburg, Ky.
Chappell, Wm. L., Kenton, Covington, Ky.
Chinn, V. C., Franklin, Frankfort, Ky.
Clifford, A. H., Pendleton, Dry Ridge, Ky.
Cole, Edith Cecilia, Jefferson, Louisville, Ky.
Colvin, Jno. B., Pendleton, Falmouth, Ky.
Corley, C. C., Christian, Fruit Hill, Ky.
Coyle, Frank, Jefferson, Louisville, Ky.
Curtis, Henry E., Fayette, Lexington, Ky.
Day, K. J., Knott, Hindman, Ky.
Day, S. F., Knott, Ivis, Ky.
Davidson, Harry M., Laurel, London, Ky.
Durning, Marie E., Jefferson, Louisville, Ky.
Elliott, Sam, Fulton, Fulton, Ky.
Embry, E. M., Madison, Richmond, Ky.

Fitzgibbon, Mary, Jefferson, Louisville, Ky.
 Fulton, Ernest N., Nelson, Bardstown, Ky.
 Gerding, Leddy, Campbell, Newport, Ky.
 Gifford, Norris B., Jefferson, Louisville, Ky.
 Gordon, A. E., Jefferson, Louisville, Ky.
 Green, R. K., Elliott, Ibex, Ky.
 Graves, Pollie G., Allen, Scottsville, Ky.
 Hargan, W. V., Jefferson, Louisville, Ky.
 Hawkins, H. L., Campbell, Newport, Ky.
 Healy, May, Campbell, Newport, Ky.
 Hill, Richard H., Jefferson, Louisville, Ky.
 Hinton, J. Proctor, Allen, Meador, Ky.
 Holliday, M. H., Breathitt, Jackson, Ky.
 Kelly, G. W., Knott, Smithsboro, Ky.
 Logan, R. C., Jefferson, Louisville, Ky.
 Marrett, A. H., Jefferson, Louisville, Ky.
 Miller, J. G., Grayson, Millerstown, Ky.
 McCoy, W. R., Martin, Inez, Ky.
 McLean, J. G., Jefferson, Louisville, Ky.
 McDyer, John, Boyd, Ashland, Ky.
 Noel, W. T., Garrard, Lancaster, Ky.
 Pelphrey, Paris, Johnson, Denver, Ky.
 Porter, J. A., Carter, Olive Hill, Ky.
 Porter, Annie R., Jefferson, Louisville, Ky.
 Ray, Charles T., Jefferson, Louisville, Ky.
 Ryan, Phil J., Campbell, Newport, Ky.
 Shuey, Judson A., Campbell, Newport, Ky.
 Simpson, Wm. E., Jefferson, Louisville, Ky.
 Slaughter, John E., Jefferson, Louisville, Ky.
 Smith, D. D., Franklin, Frankfort, Ky.
 Steger, H. W., Carroll, Eagle Station, Ky.
 Vanzant, J. H., Metcalfe, Alone, Ky.
 Warren, James G., Jefferson, Louisville, Ky.
 Webb, J. A., Russell, Webbs Roads, Ky.
 Wells, Idella, Franklin, Frankfort, Ky.

Wolfford, D. W., Carter, Rooney, Ky.

Wolfford, Luke P., Carter, Grayson, Ky.

Respectfully,

JAMES B. MCCREARY,

Governor of Kentucky.

Mr. Bosworth moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

The hour for adjournment having arrived, the Senate adjourned.

AFTERNOON SESSION.

At 2:30 p. m. the Senate reconvened.

Mr. Overstreet, of the Committee on Appropriations, to which had been referred a bill of the following title, viz.:

S. B. 327. An Act appropriating money for the proper care of the State Capitol, Capitol grounds, and Governor's Mansion.

With unanimous consent, reported the same with a favorable recommendation.

Said bill was read at length for the first time and ordered placed on the calendar.

The Senate took up for further consideration the bill under consideration at the time of adjournment, viz.: S. B. 11.

Mr. Williams moved that President appoint a special

committee to consider said bill and that the committee be directed to report on same at the afternoon session of to-morrow.

Said motion was agreed to.

The President appointed the following committee in compliance with the last named motion, viz.: Messrs. J. Howard Williams, Chairman; Hite Huffaker, Joseph F. Bosworth, John F. Ford, J. R. Zimmerman and Hiram M. Brock.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 269. An Act relating to liens of employes and materialmen on property of railroads and other improvement companies.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2487 of the Kentucky Statutes, Carroll's Edition of 1899, be revised, amended and re-enacted, so that said section when so revised, amended and re-enacted shall read as follows:

Railroads, Other Improvements and Manufacturers—
Liens of Employes and Others on.

2487. When the property or effects of any mine, railroad, turnpike, canal, or other public improvement company, or of any owner or operator of any rolling mill, foundry, or other manufacturing establishment, whether incorporated or not, shall be assigned for the benefit of creditor shall come

into the hands of any executor, administrator, commissioner, receiver of a court, trustee or assignee, for the benefit of creditors, or shall in any wise come to be distributed among creditors, whether by operation of law or by the act of such company, owner or operator in such business, the employees of such owner or operator in such business shall have a lien upon so much of such property and effects as may have been involved in such business and all the accessories connected therewith, including the interest of such company, owner or operator in the real estate used in carrying on such business, and the person who shall have furnished materials or supplies for carrying on or operating any railroad shall likewise have a lien upon the property of such company involved in such business and the accessories connected therewith, including the interest of such company in the real estate used in carrying on such business.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. J. Bale	Seldon R. Glenn	S. L. Marshall
W. W. Booles	Walker C. Hall	C. F. Montgomery
Joe F. Bosworth	Webster Helm	W. B. Moody
Hiram M. Brock	J. B. Hiles	Sam L. Robertson
Nim R. Cobern	D. H. Hildreth	M. O. Scott
W. A. Frost	C. Holman	Robert H. Scott

G. G. Speer
J. T. Tunis

Mitchell Vincent
J. H. Williams

J. R. Zimmerman
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Those who voted in the negative were—

Robert Antle
John F. Ford

Hite Huffaker

Dr. H. G. Sanders
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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that they had passed a bill which had originated in the House of Representatives, of the following title, viz.:

H. B. 424. An Act to amend the Constitution of the Commonwealth of Kentucky.

Said bill was ordered printed and referred to the Committee on Constitutional Amendment.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the Senate, of the following title, viz.:

S. B. 307. An Act requiring each county to have a depository for public funds and providing the method of selecting such depository.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each county shall be required to select some bank or bank and trust company located in the county to be known as the county depository, and the sheriff, treasurer, trustee of the jury fund, master commissioner, county school superintendent, county clerk, public administrator, and all other officers, having public funds in their hands as such shall be required to keep such funds on deposit in said depository to the credit of such officer in his name and official title.

§ 2. Said depository shall be selected at a competitive bidding on the first Monday in July of each year. For as many as fifteen days before said date the county clerk of the county shall advertise by printed notices that the depository will be selected on said date, and a copy of said notice shall be posted at the court house door, and at the door of each bank and trust company in the county, and shall also publish same for three consecutive weeks in some newspaper published in the county. On said date at one o'clock P. M., the county clerk shall publicly announce at the court house door that bids will be received for the right to be designated as the County Depository for one year from said date. The bank or bank and trust company that bids the highest amount for said right shall be designated as the County Depository for one year by the county clerk, and he shall make an order on his county court order book showing said fact, which order shall be approved by the county judge. Provided, however, if the county clerk and the county judge shall be of the opinion that the highest bid is too low, they shall have the right to reject said bid and re-advertise in like manner immediately, until a satisfactory bid is received. The depository previously selected shall continue to act until a new one is selected in the manner herein provided for. The amount of said bill shall be paid in cash to the county treasurer, in coun-

ties having no treasurer, to the sheriff, as soon as the bond has been executed in accordance with the provisions of this Act, and he shall turn same over to the general fund of the county. If the county clerk shall fail to advertise as herein provided or to perform any other duty required of him under this Act, he shall be fined not less than fifty nor more than one hundred dollars.

§ 3. When the County Depository has been so selected, it shall at once execute a bond with approved security in such an amount as the county judge may determine, but which shall not be for a less sum than the probable average amount that will be kept on deposit to the credit of said officers, which bond shall be conditioned that said depository will faithfully keep all funds deposited by said officers, and pay same on demand. At any time that the county judge may be of the opinion that the security is insufficient, or that the bond is inadequate, he shall have the right to require new bond, and if same is not given, the right of such bank or banks or bank and trust company to act as County Depository shall cease, and a new one shall be selected in the manner herein provided. When said bond has been executed and approved as herein required the county clerk shall notify every officer required to deposit money therein by written notice within five days.

§ 4. Any officer or any of his deputies failing to deposit funds in his hands within five days after same is received with the County Depository, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than five hundred dollars. And any funds that any such officer may have on hand or on deposit where a depository is selected shall be deposited by such officer in the depository so selected within ten days after receiving notice from the county clerk as herein provided for.

§ 5. Such County Depository shall report to the county judge on the first day of each month the amount of funds to

the credit of every officer required to deposit therein, except the master commissioner and trustee of the jury fund, and the amount these two officers have to their credit shall be reported to the circuit clerk on the first day of each month. Said report shall be made under the oath of the cashier of the depository and any depository failing to make said report as herein required shall be deemed guilty of a misdemeanor and upon conviction fined not less than twenty-five nor more than fifty dollars.

§ 6. This Act shall not be construed so as to prevent the circuit judge from directing the master commissioner to loan out any money in his hands not ready for distribution, neither shall it be so construed so as to prevent the Fiscal Court from loaning or investing any surplus or money on hand set aside as a sinking fund for the payment of any indebtedness, neither shall it be so construed so as to interfere with any funds that are in the hands of any such officer as an endowment or donation for any specific purpose, nor so as to interfere with the disposition of any funds invested under the judgment of any court.

The Committee on Banks and Trust Companies proposed the following amendment, viz.:

Insert before Section 1 the following: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Said amendment was agreed to.

Mr. Robertson proposed the following amendment, viz.:

Amend by inserting in Section 1 before the beginning of the section, the following words: "Except in counties having cities of the first, second, and third class."

Mr. Speer proposed the following amendment, viz.:

Amend by inserting after the word "county" in Section 1, line 1, "that no part of this Act shall apply to counties in which a city of the third class is located."

Mr. Antle proposed the following amendment, viz.:

Amend by striking out the word "five" after the word "within" in line 2 of Section 4, and inserting instead the word "ten."

Mr. Hiles proposed the following amendment, viz.:

Amend Senate Bill No. 307 to strike out counties containing cities of the fifth class.

Mr. Clay proposed the following amendment, viz.:

Amend Section 1 by inserting before the beginning of the section the following words: "This shall not apply to counties having towns of the fourth class."

Mr. Antle proposed the following amendment, viz.:

Amend Senate Bill No. 307 by striking out in line one, Section one the words: "shall be required" and insert therein the words "shall have authority."

Mr. Hall proposed the following amendment, viz.:

Amend by inserting in Section 1 before the beginning of the section, the following words: "Except in counties having cities of the second class."

Said amendments were severally disagreed to.

Mr. Speer moved that said bill be postponed indefinitely.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Speer and Antle, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Joe F. Bosworth	Sam. L. Robertson
Charles Arnett	Walker C. Hall	G. G. Speer

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Those who voted in the negative were—

W. J. Bale	Webster Helm	Dr. H. G. Sanders
W. W. Booles	J. B. Hiles	M. O. Scott
Hiram M. Brock	C. Holman	Robert H. Scott
Nim R. Cobern	S. L. Marshall	J. T. Tunis
John H. Durham	C. F. Montgomery	Mitchell Vincent
John F. Ford	W. B. Moody	J. H. Williams
W. A. Frost	T. J. Moore	J. R. Zimmerman
Seldon R. Glenn	H. G. Overstreet	

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Mr. Glenn moved that the session be extended indefinitely.

Said motion was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Seldon R. Glenn	Dr. H. G. Sanders
W. J. Bale	Webster Helm	M. O. Scott
W. W. Booles	C. Holman	Robert H. Scott
Joe F. Bosworth	S. L. Marshall	G. G. Speer
Hiram M. Brock	C. F. Montgomery	J. T. Tunis
J. Will Clay	W. B. Moody	Mitchell Vincent
Nim R. Cobern	T. J. Moore	W. F. Welch
John H. Durham	H. G. Overstreet	J. H. Williams
John F. Ford	Sam. L. Robertson	J. R. Zimmerman
W. A. Frost	R. M. Salmon	—29

Those who voted in the negative were—

Robert Antle	Walker C. Hall	J. B. Hiles
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Resolved, That the title of said bill be as aforesaid.

Mr. Clay moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the calendar bills of the following titles, viz.:

S. B. 331. An Act to amend an Act entitled “An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the

care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

S. B. 355. An Act to allow the auditor three thousand dollars with which to employ additional clerks, and to allow the treasurer two thousand dollars with which to employ additional clerks.

The constitutional provision as to the second reading at length of said bill being dispensed with, said bills were severally read by their titles, and ordered placed in the orders of the day.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 321. An Act further regulating the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to provide for the appointment of two additional assistant inspectors; to fix the salaries of the chief inspector and the assistant inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Inspectors—Mine Inspections.

§ 1. The Office of Inspector of Mines, which has for its

purpose the supervision and enforcement of the laws pertaining to the inspection of mines and the protection of mine property and other property used in connection therewith, is hereby designated as the "Department of Mines," and the title of the official provided for by existing law as "Inspector of Mines" shall be "Chief Inspector of Mines." Said Chief Inspector shall have full charge of said department. He shall superintend and direct the inspection of mines as herein provided, and he shall investigate the character and quality of air in coal mines when conditions indicate the necessity for so doing, collect statistics relating to coal mining in this State each year and make report of same, see that maps and plans of the mines are made and filed in his office according to the provisions of this Act, keep a record of all inspections made by himself and by the assistant inspectors, which shall be a permanent record properly indexed, and perform all other duties elsewhere in this Act assigned to him. The Chief Inspector shall receive an annual salary of three thousand dollars, payable monthly, and he shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

The Chief Inspector shall have authority to divide the coal fields of the State, from time to time, into such number of inspection districts as may be necessary to accord with the number of assistant inspectors, in such manner as to equalize, as nearly as practicable, the work of each assistant inspector, and to assign each assistant inspector to his appropriate district. Whenever the Chief Inspector may deem it necessary, in the interest of efficient supervision of the mines, to temporarily employ the services of two or more assistant inspectors at the same time in one and the same district, or whenever he may deem it desirable in the interest of efficient inspection to temporarily change assistant inspectors from one district to another, he shall have authority to do so.

He shall furnish a certified copy of the report of inspection of any mine inspected by himself or by an assistant inspector to the Commonwealth's attorney of the district in which the mine is situated on application therefor, or at any time when he may deem it proper so to do, which copy shall be admissible in evidence in any court in this Commonwealth, and shall be prima facie evidence of the truth of the recitals therein contained.

He shall prepare and file his annual report for printing within six months, and as much earlier as the final collection and compilation of statistics may permit, after the close of the calendar year; and in order that the statistical information given in the report may be reasonably comprehensive, in addition to the statistics now by law required to be reported monthly to the office of the Chief Inspector, each operator of a coal mine shall, at the close of the year, upon blanks to be furnished by the Chief Inspector furnish to said Chief Inspector a confidential report showing (a) the proportion of his output of coal for the calendar year that was sold for consumption locally as distinct from that which was shipped from the mine; (b) the amount of coal produced that was consumed at the mine for the production of steam, ventilation and other purposes; (c) the tonnage used in the production of coke in ovens controlled by the operator in the vicinity of the mine; and (d) the proportion of his tonnage that was mined by machine. All such information relating to the details of disposition or use of the output shall be held strictly confidential by the Chief Inspector as regards individual operations and published only in aggregate form under each appropriate heading indicated by the letters "a," "b," and "c," herein, for the respective districts in which the companies, firms, and individuals reporting are operating; but nothing in this section shall be construed as prohibiting continuation of the publication of the total amount of coal produced by each operator, in the manner heretofore followed.

§ 2. The Governor of the Commonwealth is authorized and directed, within ninety days after this Act takes effect, to appoint two additional Assistant Inspectors of Mines, who shall hold office for four years and until their successors are appointed and qualified. Said assistants shall have a thorough knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of mine gases, especially of explosive gases and dust, and shall have a thorough and practical knowledge of mining gained by at least five years' experience at and in coal mines. Said assistant inspectors before entering upon the discharge of their official duties shall be sworn to discharge those duties faithfully and impartially and to the best of their skill and ability, which oath shall be certified by the officer administering it, and said certificate shall be filed with the Secretary of State in his office. Each of said assistant inspectors shall give bond in the sum of two thousand dollars, with surety to be approved by the Governor, for the faithful discharge of his duties. Each of said assistants shall give his entire time and attention to the duties of his office, which shall consist in aiding, under the direction of the Chief Inspector of Mines, in carrying out and enforcing the provisions of the laws relating to the inspection of mines. He shall not, while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer in the operation of any coal mine, and he shall be of good moral character and temperate habits. He shall be liable to dismissal from office for incompetency, neglect of duty, drunkenness, malfeasance in office, or other good cause.

§ 3. Each assistant inspector of mines shall report in writing monthly to the Chief Inspector the number and condition of all mines inspected by him each month, and he shall deliver to the operator or superintendent of each mine inspected a statement in writing showing the inspection of such mine, and the condition thereof as found upon such inspection. He shall also, within sixty days after the close

of each calendar year, file with the Chief Inspector of mines a report of his proceedings during said calendar year and giving such information concerning the mines and mining conditions in his district as may be appropriate and required by the Chief Inspector. He shall visit each mine in his district at least once every four months, or oftener, if practicable to do so, and make a personal examination of the interior of each mine, as well as the outside of the mine where any danger to the workmen may exist. And he shall at all times in all things pertaining to the duties of his office be subject to the orders of the Chief Inspector.

Each assistant inspector shall receive an annual salary of eighteen hundred dollars, payable monthly, and shall likewise be allowed and paid his necessary traveling and other expenses on account of and when engaged in the discharge of his official duties.

Before any person shall be appointed to the office of assistant inspector of mines, he shall be required to pass a satisfactory examination before the Board of Examiners hereinafter in this Act provided for, and shall be required to obtain from such Board of Examiners a certificate duly signed by the members thereof certifying to the Governor that the said applicant possesses the qualifications by this Act required.

§ 4. The Chief Inspector and assistant inspectors shall be provided with all necessary stationery and postage for the conduct of official correspondence as other State officers are supplied. The Chief Inspector shall be supplied with all printed blank forms, notices and other printed matter necessary for use in the performance of his official duties, upon his requisition therefor through the superintendent of public printing. There shall be provided for all inspectors such instruments, appliances, apparatus and chemical tests as are necessary for the proper discharge of his official duties, which shall be paid for on the order of the Chief Inspector approved by the Governor, and which shall belong to the

State. The cost of repairs to such instruments and apparatus as may be necessary from time to time shall be paid for by the inspector having such repairs made, and be included in his accounts and expenses incurred on account of official duties and paid as they are paid.

The Chief Inspector shall be and is hereby authorized to expend not to exceed a total of twelve hundred dollars per annum for clerical help, such expenditure to be included in his accounts of expenses incurred on account of official duties and paid as they are paid. Each inspector shall be provided with necessary office furniture and fixtures, and each assistant inspector shall, when necessary, and within the discretion of the Governor, be allowed office rent not to exceed fifteen dollars per month, said office to be used for the transaction of official business, and proper care and preservation of his official records, and for the proper storage of the instruments and of the life saving apparatus in his charge, said expenditures for office rent to be included in his account of expenses incurred on account of official business.

§ 5. The Chief Inspector and each assistant inspector shall have power to visit and inspect any mine to which this Act applies. He shall examine into the condition of such mine with respect to ventilation, drainage, timbering, and general security; and if, upon inspection, he finds that such ventilation, drainage, or timbering as the health or safety of the persons employed in the mine would require has not been provided, or should he find the mine insecure in any part, or should he find that sufficient and satisfactory means of ingress and egress have not been provided, said Chief Inspector or assistant inspector shall at once notify the operator and mine foreman of the mine, in writing, as to the unsafe or unwholesome condition of such mine, and require the mine to be put in safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful. For a failure to comply with the directions of the Chief Inspector or of the assistant inspector to render such mine

safe, and to provide such ventilation as is sought to be secured by this law, and to provide safe and suitable means of ingress and egress as in this Act required, within twenty days from the date of notification, the operator or mine foreman, as the case may be, shall be liable to a fine of fifty dollars for each day such mine, if operated, shall be suffered to remain in such unsafe and unhealthful condition after the expiration of the twenty days above provided in which the required improvements should be made, which fine may be collected by warrant issued by any court or officer of competent jurisdiction upon complaint made by the Chief Inspector or Assistant Inspector, or by indictment by the grand jury of the county in which such mine is situated; but in cases in which the Chief Inspector or the Assistant Inspector, as the case may be, is satisfied, from personal investigation, that, even though due diligence be observed, the required improvements can not be completed within the twenty days above provided he shall have authority to extend the time for not more than forty days longer, according to his judgment as to the length of time that is required for the completion of the improvements, proper diligence being observed; but when the time is thus extended, the operator or mine foreman, as the case may be, who is delinquent, after the expiration of the additional time, shall be subject to fine as above provided; and as a cumulative remedy in case of failure of any operator to conform to the provisions of this law, after written notice from the assistant inspector or Chief Inspector, within the time provided by this section, any Circuit Court, or judge thereof in vacation, may, on application of the Chief Inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction, the operator from working or operating such mine with more than five persons underground at one time until it is made to conform with the provisions of this Act; but before such writ of injunction shall issue, the operator shall have at least three days' notice of such contemplated action, and shall

have the right to appear before such court, or the judge thereof in vacation, to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support as well as in opposition thereto. It shall be the duty of the Commonwealth's attorney of the district, and of the county attorney of the county, in which the mine lies, to prepare and prosecute proceedings upon said application.

ARTICLE II.

Definitions.

§ 1. For the purposes of this Act, the terms and definitions contained therein shall be as follows:

Mine.—In this Act the term “mine” includes the shafts, slopes, drafts, or inclined planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or division thereof, and connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine.

The provisions of this Act shall not apply to any mine employing less than six persons inside the mine at one time.

Excavations and Workings.—The term “excavations and workings” includes all the excavated portions of a mine, those abandoned as well as the places actually being worked; also all underground workings and shafts, slopes, tunnels and other openings in the course of being sunk or driven, together with all roads, appliances, machinery, and material connected with the same below the surface.

Shaft.—The term “shaft” means a vertical opening through the strata that is or may be used for the purpose of ventilation or drainage, or for hoisting men or material, or both, in connection with the mining of coal.

Slope.—The term “slope” means an inclined opening used for the same purpose as a shaft.

Drift.—The term “drift” means an opening through the strata, on which opening the grades are such as to permit the coal to be hauled by mules or mechanical traction power, and which opening may be used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

Operator.—The term “operator” means any firm, corporation, or individual operating any coal mine, or any part thereof.

Superintendent.—The term “superintendent” means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine Foreman.—The term “mine foreman” means the person whom the operator or superintendent shall place in charge of the workings of the mine and of the persons employed therein. He is required to be licensed or certificated, and is charged with the duty of preserving the safety and health of the persons employed in and about the mine.

Fire Boss.—The term “fire boss” means any person whom the operator or superintendent is required to employ in the event certain conditions with reference to explosive gas in this Act defined are found to exist in a mine. He is required to be licensed or certificated, and is charged with the duty of preserving the safety of the persons employed in such mine.

Assistant Inspector.—The term “assistant inspector” means a person commissioned by the Governor to assist in the inspection and supervision of the mines as herein prescribed.

Approved Safety Lamp.—The term “approved safety lamp” shall mean any bonnetted safety lamp approved by the Department of Mines.

Gaseous Mine.—A “gaseous mine” is one in which the percentage of explosive gas exceeds three-fourths of one per cent. at the return of any one split in a dusty mine, and ex-

ceeds one and three-fourths per cent at the return of any one split in a non-dusty mine.

ARTICLE III.

Maps and Plans.

§ 1. The operator or superintendent of every coal mine in this State to which this Act applies shall annually, within sixty days after the first day of January, make or cause to be made an accurate map or plan of the workings of such mine, on a scale of not more than one hundred feet to the inch, showing the area mined and the forms of the excavations up to the said first day of January, together with the location and connection of the lines of all adjoining lands within one thousand feet of said excavations, and the name or names of each owner or owners, so far as known, marked on each tract; a true copy of which map the said operator or superintendent shall deposit with the Chief Inspector of Mines within seventy days after said first day of January, and another copy of which shall be kept at the office of such mine. But after the making and filing with said Chief Inspector of the map of the mine, as required herein, the operator or superintendent shall only be required to annually file with said Chief Inspector, within the time herein specified, such additional map and statement as may be necessary to truly show the progress of the workings, the amount and forms of excavations of said mine, and so much of the property lines as may be within one thousand feet of said excavations as extended, from the date of the preceding map or survey up to the first day of January as provided herein. The Chief Inspector shall annually, on or before the first day of January, give warning notice that said map is required.

If the operator or superintendent of any coal mine shall fail or neglect to furnish to the Chief Inspector any copy of the map or extension thereof as provided in this Article, the

Chief Inspector is hereby authorized to cause a correct survey of any map or plan of said mine or extensions above indicated to be made at the expense of the owner, lessee, or operator of such mine, the cost of which shall be recoverable from said owner, lessee, or operator as other debts are recoverable by law; and if at any time the Chief Inspector of Mines shall have reason to believe that such map or plan, or the extension thereof, furnished in pursuance of this article is materially incorrect, such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected, and the expense of making such survey and map or plan or extension thereof under the direction of said Chief Inspector shall be paid by the owner, lessee, or operator of the mine, and the same may be collected as other debts are recoverable by law; but if the map, plan, or extension as furnished by the operator or superintendent shall be found to be correct, the expenses of said survey and drafting of map or plan shall be paid by the State. The correctness of each map or plan provided for by this Article shall be certified by the person making such map or plan; and the Chief Inspector may reject any map as incomplete, the accuracy of which is not so attested. The Chief Inspector shall, upon the application of any owner, lessee, or operator thereof, make or cause to be made a duplicate of any map on file in his office of any mine owned, leased, or operated by the owner, lessee, or operator making such application, but the cost of making such duplicate shall be paid by the applicant therefor. In no case shall any copy of such map be made without the consent of such owner, lessee, or operator. Proper and safe means for preserving, filing, and cataloguing the mine maps received by the Chief Inspector of Mines, such as suitable envelopes or other filing devices and index card files, shall be provided for the office of the Chief Inspector, which shall be paid for upon the order of said inspector when approved by the Governor. After this Act shall have gone into effect, each operator of

a coal mine, before making additional openings, and each operator preparing to open a new mine, shall furnish the Chief Inspector and the assistant inspector for the district in which the mine is located each a plan of the proposed openings and mine development.

§ 2. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make, or cause to be made, a final survey of such mine, to show the entire worked out area at the time the mine was closed, and the results shall be duly extended on the map of the mine previously made and a copy thereof filed with the Chief Inspector of Mines.

ARTICLE IV.

Duties of Mine Superintendent—Mine Supplies.

§ 1. It shall be the duty of every superintendent, on behalf and at the expense of the operator, to keep on hand at or within convenient distance of each mine at all times a sufficient quantity of all materials and supplies required to preserve the health and safety of the employes, as ordered by the mine foreman and required by this Act. If for any reason the superintendent cannot procure the necessary materials or supplies as aforesaid, he shall at once notify the mine foreman, whose duty it shall be to withdraw the men from the mine, or the portion thereof operated, until such materials or supplies are received. The superintendent shall, at least once every week, read, examine carefully, and countersign all reports entered in the mine record book of the mine foreman.

§ 2. The superintendent shall co-operate with the mine foreman and other officials in the fulfillment of their duties as required by this Act, and he shall direct that the mine foreman and all other employes under him comply with the law in all its provisions, especially when his attention is called by the assistant inspector or Chief Inspector to any violation of the laws.

§ 3. The superintendent shall keep on hand at the mine a supply of the printed rules and notices and record books required by this Act, which record books shall be furnished through the assistant inspector of the district, or through the Chief Inspector, on request of the superintendent in writing. He shall see that said rules and notices and record books are delivered to the proper persons at the mine, and that they are properly cared for, and he shall also see that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.

§ 4. The operator or superintendent of every mine shall, within thirty days thereafter, send to the Chief Inspector of Mines notices of the following occurrences:

First—When a mine has been abandoned, or the working thereof discontinued.

Second—When any work has commenced for the purpose of opening a new mine.

Third—When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.

Fourth—When any change occurs in the name of a mine, or in the name of the operator of a mine, under the provisions of this Act.

§ 5. The superintendent shall, once each month, on blank forms provided by the Chief Inspector for that purpose, report to the Chief Inspector all fatal and serious accidents that have occurred in and about the mine, giving age, nationality and occupation of the injured person, cause of accident, and such other information as may be required by the Chief Inspector. The occurrence of a fatal accident shall be reported to the assistant inspector for the district at once, and to the coroner of the county as soon as practicable.

§ 6. The superintendent or operator shall employ a sufficient number of fire-bosses or special examiners (when

required by the assistant inspector of the district in which such mine is located), in order that such coal mine can be examined in accordance with the provisions of this Act.

ARTICLE V.

Mine Foreman and His Duties.

§ 1. In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or superintendent shall employ a competent and practical mine foreman for every mine wherein fifteen or more persons are employed. The mine foreman shall have charge of all the inside workings and of the persons employed therein, in order that all the provisions of this Act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. In all gaseous mines as defined in this Act the mine foreman must possess a mine foreman's certificate of the first class.

When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this Act pertaining to his duties, the operator or superintendent shall employ a sufficient number of persons to act as assistants to the mine foreman, who shall act under his instructions in carrying out the provisions of this Act.

In case of the temporary absence of the mine foreman for a period not exceeding fifteen days, the operator or superintendent may, for the time being, deputize the work of the mine formen to an assistant mine foreman, who shall perform all the duties of the mine foreman.

§ 2. The mine foreman shall devote the whole of his time to his duties when the mine is in operation, and shall keep careful watch over the ventilating apparatus, the ventilation, airways, traveling ways, timbering, and drainage,

and shall see that all stoppings along airways are properly built.

He shall see that proper break-throughs are made in the pillars of all rooms and of all entries, and that they are closed when necessary, so that the ventilating current can be conducted in sufficient quantity through the last break-through to within proper distance as required by this Act of the face of each room and entry, by means of curtains, brattices, check-doors, or other safe stoppings. He shall not permit any room or entry to be turned in advance of the ventilating current or in advance of the last break-through in the entry, excepting room necks, which may be turned by entrymen driving entries.

§ 3. The mine foreman shall measure the air current at least once every month at the inlet and outlet and at or near the faces of the advanced headings and shall keep a record of such measurements in a book to be furnished by the Chief Inspector of Mines. An anemometer shall be provided for this purpose by the operator of the mine.

§ 4. The mine foreman or an assistant shall visit and examine every working place in the mine not less than twice each week while the mine is in operation, and shall direct and see that every working place is properly secured by props or timber, and shall see that no person is directed to work in an unsafe place unless it be for the purpose of making it safe. He shall also see that the workmen are provided with sufficient props, cap-pieces, and timbers of suitable size, which shall be delivered to the working place when ordered or selected by the workman, as specified in the mine rules in accordance with Section five of this article. He shall also see that props are cut or sawed as square as practicable at both ends, and as near as practicable to the proper length required or designated for the places where they are to be used.

§ 5. Every workman in need of props, cap-pieces, and timbers shall notify the mine foreman or an assistant mine

foreman, or any other person delegated by the mine foreman, of the fact at least one day in advance, giving the number, size, and length of props, cap-pieces, and timbers required. In case of emergency, the timber may be ordered immediately upon discovery of danger. If for any reason the necessary timber cannot be supplied when required, the workmen shall vacate the place until the timber needed is supplied.

The place and manner of selecting and ordering props, cap-pieces and timbers shall be designated and specified in the Mine Rules.

§ 6. At shaft mines, the operator, superintendent, or mine foreman shall provide a refuge place or places for men coming out at the close of the day's work in such proximity to the bottom of the shaft, and of such size, as shall be approved by the Chief Inspector of Mines, or by the assistant inspector for the district in which the mine is situated. When leaving such refuge place or places to be hoisted out, the men shall be governed by the rules of the mine. On single-track haulage roads, in mines where haulage is done by machines, which roads the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart. On all haulage roads on which haulage is done by draft animals, whereon men are obliged to be in the performance of their duties or when passing on foot to and from their work, there shall be places of refuge not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart. Provided, however, that special refuge places shall not be required in haulways on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulways in which the track is so laid as to give a minimum clearance on one side of not less

than thirty inches from the top of any haulage engine or any mine car, said clearance to be on the side of the haulway opposite that upon which electric wires are strung, in event any such wires be strung in the haulways. No person shall travel on foot to or from his work upon any slope used for haulage or upon any haulage road when other roads, in proper condition for travel, are available.

In all mines in operation at the time this Act goes into effect the operator or superintendent shall have an additional period of six months in which to provide the refuge places required by this section.

§ 7. After this Act goes into effect it shall be the duty of the mine foreman or any assistant mine foreman of every coal mine to see that every person employed to work in such mine shall, before beginning to work therein, be advised as to danger incident to working therein.

The mine foreman or an assistant mine foreman shall give special care, oversight and attention to the men drawing pillars.

§ 8. The mine foreman shall see that every mine generating explosive gas is kept free of standing gas in all working places and roadways. Any accumulation of explosive gas or noxious gas in the worked-out or abandoned portions of any mine shall be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive or noxious gases shall be allowed in that portion of the mine except with safety lamps, until said gases have been removed or so diluted with fresh air as to be rendered harmless. The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked-out and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon said fencing to warn persons of the existing danger.

§ 9. It shall be the duty of the operator, superintend-

ent, or mine foreman to have bore-holes kept not less than twelve feet in advance of the face, and, where necessary, on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part of mine, suspected of containing inflammable gases, or which are filled with water. If there be a map of such abandoned mine, or part of mine, said bore-holes shall be started when the working places shall have approached within fifty feet of such abandoned mine, or part of mine, but if there be no such map, then said bore-holes shall be started when the advancing working places are within one hundred feet of where said abandoned workings are supposed to be.

§ 10. The mine foreman shall each day enter and sign plainly in ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine, which report shall clearly state any danger that may come under his observation during the day, or any danger reported to him by his assistants or the fire-bosses. The report shall also state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the requirements of the law are complied with.

The mine foreman shall also, each day, read carefully, and countersign with ink or indelible pencil, all reports entered into the record book of the fire-bosses.

§ 11. The operator or superintendent shall direct and see that safety blocks, or some other device, are constructed for the purpose of preventing cars from falling into the shaft or slope, or running away on slopes and inclined planes; and safety switches, drop-logs, or other devices, shall be used on all slopes and inclined planes; and the mine foreman shall see that said safety blocks, safety switches, or other devices are maintained in good working order.

§ 12. It shall be the duty of the operator, superintendent, or mine foreman to see that locked safety lamps are used when and where required by this Act.

§ 13. It shall be the duty of the mine foreman to re-

port immediately all violations of this Act to the operator or superintendent, who shall in turn report such violations to the assistant inspector for the district in which the mine is situated.

§ 14. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this Act. In the temporary absence of the mine foreman they shall perform the duties of the mine foreman when deputed to do so in accordance with Section one of this article, and shall then while acting as mine foreman be liable to the same penalties as the mine foreman for any violation of this Act.

§ 15. In a dry and dusty mine, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as may be practicable in order to keep the dust in a damp condition; and he shall direct and see that the dust is loaded and taken out of the mine as often as practicable.

ARTICLE VI.

Fire Boss and His Duties.

§ 1. In all gaseous mines as defined in this Act the operator or superintendent shall employ a fire-boss or fire-bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the Board of Examiners as provided in Article XVI. of this Act. It shall be the duty of the fire-boss to examine carefully, before each shift enters the mine, every working place without exception, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and falls in the mine; but before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use no light other than that inclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time for each shift to

enter the mine. The fire-boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge, where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every working place and every other place where explosive gas is discovered or where immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter.

§ 2. A suitable record book shall be kept at the mine office of every mine wherein fire-bosses are employed, and immediately after the examination of such mine or any portion thereof by a fire-boss, whose duty it is to make such examination, he shall enter in said book, with ink or indelible pencil, a record of such examination, and sign the same. This record shall show the time taken in making the examination, and also clearly state the nature and location of any danger that may have been discovered in any room or entry or other place in the mine. If any danger or dangers has or have been discovered, the fire-bosses shall immediately report the location thereof to the mine foreman, or in his absence to the assistant mine foreman in charge who in turn shall report to the mine foreman. No person shall enter the mine until the fire-bosses return to the mine office, or to a station located in the intake entry of the mine (where a record book as provided for in this section shall be kept and signed by the person making the examination), and report to the mine foreman or the assistant mine foreman, by telephone or otherwise, that the mine is in safe condition for the men to enter. When a station is located in any mine it shall be the duty of the fire-bosses to sign also the report entered in the record book in the mine office on the surface. The

record books of the fire-bosses shall at all times during working hours be accessible to the assistant inspector of mines and the employes of the mine.

§ 3. The mine foreman and the fire-boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon. In every mine in which fire-bosses are required to be employed by this Act, when the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a station of suitable dimensions may be erected by the mine foreman (provided the location is approved by the assistant inspector for the district) for the use of the fire-bosses. It shall not be lawful for any person, except the mine foreman, and in case of necessity such other persons as may be designated by him, to pass beyond said station and danger signal until the mine has been examined by a fire-boss, as provided for in Section one of this article, and the mine or certain portions thereof reported by him to be safe. The fire-boss shall not allow any other person or persons to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed in the ventilating current from any portion of the mine. He shall report any violation of this section to the mine foreman at once.

§ 4. Any employe or other person, except those herein above provided for, who passes any danger signal into the mine, or into any portion of the mine, or removes such danger signal before the mine has been examined and reported to be safe, or any employe or any other person who passes by any danger signal placed at the entrance to a working place, or any other place in the mine, or removes such danger signal, without permission from the mine foreman, the assistant mine foreman, or the fire-boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the mine foreman having knowledge of such violation (whether obtained personally or otherwise) to notify the operator or superin-

tendent at once of such violation, who shall in turn notify the assistant inspector for the district, in writing, and the assistant inspector shall forthwith institute proceedings against such person or persons, as provided for in Section two of Article twenty-one of this Act. Any mine foreman who fails to notify the operator or superintendent forthwith of any violations of the provisions of this article that have been reported to him, or that have come under his personal observation, and any operator or superintendent who shall likewise fail to notify the assistant inspector of any such violations, shall be deemed guilty of a misdemeanor.

§ 5. Any fire-boss who neglects to comply fully with the provisions of this article relating to his duties, or who shall make a false report of the condition of any place in the portion of the mine allotted to him for examination, shall be deemed guilty of a misdemeanor, and shall be suspended by the mine foreman, and his name shall be given to the assistant inspector of the district for prosecution. If he be found guilty, he shall return his certificate of qualification as fire boss to the Department of Mines; Provided, however, that he may again be an applicant for a certificate as fire-boss at any regular examination after the expiration of six months, but if he be found guilty of a second offense he shall return his certificate to the department, and cannot be an applicant for re-examination.

§ 6. Nothing in this article shall prevent a mine foreman holding a certificate of the first class from acting as fire-boss, or a regularly employed fire-boss from acting in an emergency as a mine foreman holding such first-class certificate.

§ 7. In any mine that is not a gaseous mine as defined in this Act, but in which explosive gas can be detected by means of a safety lamp in some part or parts of the live workings or adjacent thereto, the operator or superintendent shall employ a competent person or special examiner whose duty shall be to make examination of such place or

places with an approved safety lamp for the purpose of detecting any explosive standing gas therein. Such examination shall be made at a suitable hour each day that the mine runs, before the workmen are permitted to enter the mine or such section or sections thereof as require examination, and should such explosive gas be discovered the examiner shall make prompt report of its presence and location to the mine foreman or assistant foreman, and no person shall enter or be permitted to enter the place or places where said gas has been detected until it shall have been removed or so diluted with fresh air as to be harmless, except the mine foreman and such persons as he may select to make the place or places safe, and they while engaged in such work shall use no other light than that inclosed in an approved safety lamp. The procedure to be followed by said special examiner or competent person in making his examinations and the manner of reporting or recording the results thereof shall be in accordance with the mine rules. Nothing in this section shall be construed as prohibiting said special examiner or competent person from performing such other duties as it may be practicable for him to undertake, provided that such other duties shall not conflict or interfere with the performance of his duty in making the examinations specified herein.

Before any person or special examiner shall be employed as above provided, his competency for such duty must be approved and certified to in writing by the assistant inspector of the district in which such mine is situated, or by the Chief Inspector of Mines.

ARTICLE VII.

Shafts, Slopes and Drifts.

§ 1. It shall not be lawful for the operator, superintendent, or mine foreman of any coal mine, whether worked by shaft, slope, or drift, wherein fifteen thousand square yards have been excavated, to employ or to permit more than

ten persons to work therein in any one shift unless there are to every seam of coal worked in such mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine be worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine be worked by drift—by which outlets distinct means of ingress and egress are readily available to persons employed in such mines; but it shall not be necessary for the two outlets to belong to the same mine.

The foregoing requirements shall not apply to the openings of a new entry of a mine that is being worked for the purpose of making connection between said two outlets so long as not more than twenty persons are employed at one time in making the connection or driving the second opening; nor shall said requirements apply to any mine in which the second opening has been rendered unavailable by reason of final robbing or removal of pillars so long as not more than twenty persons are so employed therein at one time.

In case any coal mine has but one shaft, slope, or drift for ingress and egress of the persons employed herein, and the owner thereof does not own suitable ground for another opening, such owner may select appropriate associate adjacent ground for that purpose and have the same condemned and appropriate the same by proceedings in the county court of the county where the mine is situated, similar to proceedings now allowed for securing a private passway.

In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design, and angle, which shall be provided with platforms or landings at each turn of the stairway or ladderway, the whole to be subject to the approval of the assistant inspector for the district, or of the Chief Inspector; or in lieu of such stairway or ladderway there shall be provided a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men, a wire hoisting rope of ample strength,

and an adequate and safe hoisting engine and drum, which hoisting arrangement shall be ready for use at any time of emergency. When the escape and air shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good, substantial, air-tight partition from top to bottom, so that the use of the escape shaft shall not in any way interfere with the ventilation of the mine. All shafts by which men enter or leave the mine, and the passageways to escape outlets, shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine may be operating, and the date and findings of such examination shall be entered in a book kept at the mine for that purpose. No debris, such as falls of slate and similar material, which shall act as an obstruction to the free passage of men, shall be allowed to accumulate in the passageway to the escape outlet, nor shall bodies of water difficult to pass, be allowed to accumulate there, nor shall the passageway be obstructed by mine cars or timbers. If obstructions of any sort to the free passage of men be found, such obstructions shall be promptly removed. At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet, conspicuous signboards shall be placed indicating the direction it is necessary to take to reach the exit for escape.

§ 2. No operator or agent of any coal mine worked by shaft or slope shall place in charge of any engine, used for lowering into or hoisting out of said mine persons employed therein, any but competent and sober engineers; and no engineer in charge of such machinery shall allow any person, except such as may be designated for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties. In no case shall more than ten persons ride on any cage or car at one time,

and no person shall ride on a loaded cage or car in any shaft or slope.

§ 3. At every mine operated by shaft, there shall be provided an approved safety catch, and a sufficient and substantial cover overhead on all cages used for lowering or hoisting persons, and at the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for the lowering or raising of persons at all shafts or slopes, and an efficient indicator or dial shall be used in connection with the hoisting engine which will show the engineer the positions of the cages in the shaft at any time; and approved means for signaling to the bottom man, the top-man, the engineer shall be provided; and all shafts used for lowering or hoisting men shall be equipped with metal tubes, pipes, or telephones, through which conversation may be freely held between persons at the bottom and top landings. The hoisting rope, the safety-catches, and the cage attachments shall be examined by the mine foreman or some competent person designated by him every morning before the men descend into the mine; and care shall be taken to keep them in good working condition at all times. All persons are prohibited from riding on cages when coal or slate or similar material is being raised, and no person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom-man or cager to do so, said bottom-man or cager having first signaled to the engineer that men are to be raised. At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the

other side shall use such passageway only. Whenever the hoisting or lowering of men occurs before daylight or after dark, and when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at such landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

ARTICLE VIII.

Ventilation and Drainage.

§ 1. It shall be the duty of the operator or superintendent of every coal mine to which this Act applies to provide for such mine artificial means of producing ventilation, such as suction or forcing fans, exhaust steam, furnaces, or other contrivances, of such capacity and power as to produce an abundant supply of air. The operator or superintendent of every such mine, whether slope, shaft, or drift, shall provide and maintain for such mine an amount of ventilation of not less than one hundred cubic feet of air per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine.

It shall be the duty of the mine foreman to see that no working place is driven more than sixty feet in advance of a break-through or airway, except with the consent of the assistant inspector for the district; and that all break-throughs between entries, and when necessary between rooms, except those last made near the working face, are closed up and made air-tight, as far as practicable, by brattices, trap-doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the ex-

cavations where the persons employed in the mine are at work; and where more than sixty persons are at work in the same continuous current the Chief Inspector and the assistant inspector shall have authority to order that this ventilating current be so split or sub-divided as to give a separate current for separate groups of men at work in the mine whenever, in his judgment, conditions in any mine render such splitting of the current necessary. The mine foreman shall see that proper break-throughs are made in all pillars, at such distances apart as in the judgment of the assistant inspector for the district, approved by the Chief Inspector, may be deemed requisite for the purpose of ventilation, according to the thickness of the seam of coal being worked, but in no case shall they be more than ninety feet apart.

§ 2. Every ventilating fan at a gaseous mine shall be kept in operation continuously, day and night, unless operations are definitely suspended.

§ 3. The mine foreman shall see that the water is drained out of the working places before the men enter, and that the working places are kept as free from water as practicable during working hours; and the owners, lessees, or operators of all mines to which this Act applies shall see that the water so drained from such mines shall be drained as directly as practicable to the adjacent streams or water-courses by means of ditches, flumes, pipes, sewers or other adequate provisions.

ARTICLE IX.

Safety Lamps—When To Be Used.

§ 1. At every coal mine to which this Act applies the operator shall provide and keep in condition for use not less than two approved safety lamps, and shall provide and keep as many more as may be required in writing by the Chief Inspector of Mines; Provided, however, that upon the written

recommendation of the assistant and inspector for the district in which the mine is situated, or if, in the judgment of the Chief Inspector, it be proper to do so, any non-gaseous mine may be exempted from this provision by the Chief Inspector of Mines.

§ 2. All gaseous mines as defined by this Act shall be worked by the use of approved safety lamps provided with adequate locks or seals. The safety lamps used for examining any mine by an employe thereat or which may be used for working therein shall be provided by and be the property of the operator of the mine, and shall be in the custody of the mine foreman, or fire-boss, or some competent person or persons designated by the mine foreman. Said person shall clean, fill, trim, examine, and deliver said lamps, locked or sealed, and in safe condition, to the men who may have to use them, when they enter the mine. He shall also receive the lamps from the men when they leave the mine. The persons to whom safety lamps are thus given shall be responsible for the condition and proper use of the lamps while in their possession and for their return to the custodian at the lamp station. No safety lamp shall be given to any person for use in a mine until said person shall have given evidence, satisfactory to the mine foreman or fire-boss, that he understands the proper use thereof and the danger of tampering with the same. No person except one duly authorized by the mine foreman shall have in his possession in any part of the mine where locked or sealed safety lamps are used any matches or other means of producing fire, nor shall he have any lamp key or other instrument usable for opening a locked safety lamp. Davy lamps shall not be used for any purpose in mines except for testing. Electric lamps that have been tested and approved by the Federal Bureau of Mines may be used instead of safety lamps in which oil is used, except for purposes of testing for explosive gas.

ARTICLE X.

Shot Firers.

§ 1. In all coal mines in this State in which as many as ten persons are usually employed at one time, wherein explosive gases are known to generate or exist in dangerous quantities, or coal dust is known to accumulate or exist in dangerous quantities, the operator or superintendent shall, when so ordered by the Chief Inspector of Mines, or by an assistant inspector of mines, when approved by the Chief Inspector, employ and keep a sufficient number of practical and experienced men to be known and designated as "shot-firers," whose duty shall be to charge, set off and discharge the shots in all blasting in the workings of the said mines; but the miner who has drilled the shot hole may prepare the cartridge for the shot and leave same, in a safe receptacle of a sort to be designated by the mine foreman, within convenient distance of the hole, for use by the shot-firer in charging the hole: Provided, however, that the shot-firer shall exercise discretion, care and judgment in the use of such cartridge. No shot-firer shall charge and fire any shot which in his judgment, after due inspection, has not been placed so as to insure a workmanlike and practical shot.

§ 2. Said shot-firers shall immediately after the completion of their work, post a notice in a conspicuous place at the mines in which shall be indicated the number of shots fired, also the number of shots they did not fire, if any, specifying the number of the room and the designation of the entry, and giving their reasons for not firing the same. The operator or superintendent of said mines shall provide reasonable and proper means for posting said notice. Said shot-firers shall also keep a daily permanent record in a book, to be furnished them by said operator or superintendent, in which they shall enter the number of shots or blasts fired, the number of blasts or shots failing to explode, the number of "blown-out" shots, and the number of holes that,

in their judgment, were not properly prepared or placed and which they refused to charge and fire, giving their reasons for the same. Said records shall be in the custody of the superintendent and shall be available for inspection at all reasonable times by parties interested, and shall be open for inspection by the Chief Inspector of Mines and by the assistant inspectors.

§ 3. Said shot-firers shall not do any blasting or exploding of shots or firing whatever until each and every miner and employe is out of the mine, except said shot-firers, mine superintendent, mine foreman or assistant mine foreman, and the person or persons necessarily present in charge of pumps and stables in said mine; and any person in said mine whose duty it is to go out of said mine before said firing, blasting, and exploding takes place under the provisions of this Act, who wilfully fails or refuses to go out of said mine as herein provided shall be fined in any sum not exceeding fifty dollars, in the discretion of the court or jury.

ARTICLE XI.

Electrical Installation.

The operator, superintendent, or mine foreman of a mine in which electricity is used shall observe the following in the application thereof:

§ 1. All trolley wires shall be securely supported upon hangers or other fixtures which will properly insulate said wires from the roof and other substances and placed at such intervals as to properly support the same.

§ 2. At such landings and partings as may be designated by the Chief Inspector or assistant inspector in writing where men are required to regularly work or pass under trolley or other bare power wires which are placed less than six and one-half feet above the top of the rail a suitable and efficient protection shall be provided.

§ 3. All other wires, except telephone, shot-firing, and

signal wires, shall be on the same side of the road as the trolley wire. All positive conductors carrying more than three hundred volts shall be insulated: Provided, however, that this requirement shall not apply to mines in which electricity has been installed previous to this Act going into effect where positive conductors carry more than three hundred volts. All terminal ends of positive wires installed within the mine shall be so guarded as to prevent persons from coming in contact therewith.

§ 4. Any bare conductor carried into and maintained in any room must be installed on hangers or other fixtures which are properly insulated, and which will prevent it from contact with the roof or other substances.

ARTICLE XII.

Stretchers and Emergency Supplies.

§ 1. It shall be the duty of the operator of each mine subject to the provisions of this Act to at all times keep on hand at the mine a properly constructed stretcher, a woolen and water-proof blanket, and such necessary emergency supplies as may be advised by the medical practitioner employed by the operator; and if as many as one hundred and fifty men be employed at such time, two stretchers with the necessary blankets and emergency supplies shall be provided. If at any mine there be no medical practitioner regularly employed by the operator, then such emergency supplies shall be kept on hand as may be advised by some physician or surgeon whose practice extends among the employes at the mine, or by the Chief Inspector of Mines.

§ 2. Said stretchers and emergency supplies shall be in the custody of some competent and trustworthy person designated by the operator or superintendent, and they shall be kept in a suitable room or place and in such condition as to be readily available when needed.

ARTICLE XIII.

Storage of Oils and Explosives.

§ 1. No oils or similar inflammable material shall be stored within one hundred feet of any hoisting or escape shaft. All explosives in quantity shall be stored in a fire-proof magazine located on the surface not less than five hundred feet away from all mine openings and escape ways, and such magazine shall be so placed as not to jeopardize the free and safe exit of the men from the mine in event of an explosion of the magazine. This provision as to location shall not apply to magazines used for distributing powder to employes, provided such distributing houses or magazines do not contain more than one day's supply for the mine, nor to well-built brick or stone fire-proof magazines constructed before this Act shall have gone into effect.

ARTICLE XIV.

Regulations For Oil.

§ 1. No person, firm, or corporation in this State shall compound, sell, or offer for sale for illuminating purposes in any coal mine in this State any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent of pure mineral oil, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by a Tagliabue or other standard hydrometer, at a temperature of sixty-degrees Fahrenheit; and no person, firm, or corporation, or agent or employe of same, shall sell or furnish any oil to be used for illuminating purposes in coal mines in this State unless the same shall have been inspected, tested, approved, and certified by the Chief Inspector of Mines or an assistant inspector of mines, and it shall be the duty of said inspectors to make the necessary tests.

All oil to be used for illuminating purposes in coal mines in this State shall be contained in barrels or other containers

branded, stenciled, or labeled conspicuously with the name and address of the compounder, and the specific gravity in degrees of Baume scale at the temperature of sixty degrees Fahrenheit; and no person, firm, or corporation shall sell or offer for sale any oil for illuminating purposes in coal mines in this State unless the barrel or other container in which it was received bears such brand, stencil, or label: Provided, however, that if oil be shipped in a tank-car to any point in the State the inspector may take a sample or samples of oil from such tank car, and if he find that said oil complies with the test required by Section 2 of this article, then he shall furnish a certificate to the shipper or shippers setting forth that fact, and said shipper or shippers shall be allowed to sell the oil, making deliveries from tank-wagons; but when such deliveries are made they shall be accompanied by a certificate duly made by the representative of the person, firm, or corporation shipping the oil to the effect that said oil has been inspected by the Chief Inspector of Mines or by an assistant inspector of mines, as the case may be, giving the name of the inspector and date of inspection, and that it was approved for illuminating purposes in the coal mines in this State by said inspector.

Each person, firm, or corporation selling or offering for sale any oil for illuminating purposes in coal mines in this State shall, upon request of any inspector of mines, submit such oil and the original container for examination, and give him a sample of the oil for the purpose of making a test thereof.

§ 2. The test to be made, upon the result of which the inspector shall determine whether to approve any oil to be used for illuminating purposes in coal mines, shall include the determination of the specific gravity of the oil at the temperature of sixty degrees Fahrenheit, and a burning test made in comparison with the burning of a standard mixture, prepared by the Chief Inspector of Mines or by an assistant inspector of mines, composed of eighty-four per cent of best

quality pure cotton seed oil and sixteen per cent of pure petroleum oil of three hundred degrees flash test. In making the burning test, the oil to be tested and that used as the standard, as herein prescribed, shall be burned in miner's lamps of the same size and shape, and shall be burned under as identical conditions as may be possible as regards size, length, and quality of wick, length of wick projecting out of the spout of the lamp, and protection from drafts of air. Any oil so tested that produces substantially no more smoke or soot than that produced by the standard mixture shall be deemed fit for approval as regards the burning test; otherwise, it shall be rejected. For testing the gravity of the oil, a Tagliabue or other standard hydrometer, which shall have been "certified" by the United States Bureau of Standards, shall be used. In making the test the hydrometer shall, when possible, be read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. Should the oil be opaque or turbid, one-half the capillary attraction shall be deemed and taken as the true reading. When the oil is tested under difficult circumstances, an allowance of one-half of a degree may be made for possible errors of parallax before condemning the oil.

§ 3. When the oil tested complies with the requirements and tests provided for in the foregoing section, the inspector making the test shall stencil, or otherwise plainly mark, each barrel or other container in which it is contained, or if shipped in tank-cars, the inspector shall tag the car, substantially as follows: "Approved this.....day of.....by Inspector.....," the blanks to be filled out with the date and the name of the inspector making the inspection and tests. But if the oil does not come up to said requirements, the barrel or other container shall be so marked (or tagged in the case of a tank-car), substantially as follows: "Rejected for illuminating purposes in the coal mines of the State of Kentucky this.....day of.....by.....Inspector," the blanks to be filled out with the

date and the name of the inspector making the inspection and tests.

§ 4. No person shall adulterate any oil to be used for illuminating purposes in coal mines in this State either before or after taking same from the original container, and shall not alter, transfer, or re-use any label of any sort placed upon the container by the Chief Inspector of Mines or an assistant inspector of mines.

No person shall use for illuminating purposes in any coal mine to which this Act applies any oil other than oil of a quality specifically provided for in this Article, and each person while in a coal mine shall upon request of an inspector of mines, or of any officer or duly authorized agent of the operator of the mine, submit his lamp and supply of oil for examination, and upon request give a sample of the oil for the purpose of making a test thereof, and state from whom said oil was purchased.

The provisions of this article shall only apply to oil used in lamps for open lights in coal mines. The oil used for safety lamps may be of such composition as will best serve the purpose.

Any person, firm, or corporation, or agent thereof, who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State contrary to the provisions of this article, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars, and for a second and subsequent offense shall be fined not less than one hundred dollars nor more than two hundred dollars, at the discretion of the court.

Any person, firm, or corporation, or agent thereof, who sells or offers for sale to any employe of a coal mine for illuminating purposes in this State contrary to the provisions of this article shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than fifty dollars, and for a second or any subsequent offense shall be fined not less

than twenty-five dollars nor more than fifty dollars, at the discretion of the court.

Any person who knowingly uses for illuminating purposes in a coal mine in this State any oil contrary to the provisions of this Article shall, upon conviction thereof, be fined not less than five dollars nor more than ten dollars, and for a second or any subsequent offense shall be fined not less than five dollars nor more than ten dollars, in the discretion of the court.

ARTICLE XV.

Board of Examiners.

§ 1. The Chief Inspector of Mines and any two of the assistant inspectors, the selection of whom is optional with the Chief Inspector, and who may select them alternately, from time to time, together with one miner, who has had at least five years of practical experience in the mining of coal, and who is actually employed in mining coal at the time of his appointment, and one coal operator, or the representative of a coal operator, who is at the time of his appointment actually engaged in the business of operating a coal mine in the State, who shall be appointed by the Governor for a term of two years each, shall constitute a Board of Examiners for the examination of applicants for certificates of qualification to serve as mine foremen and as fire-bosses in coal mines, and for the examination of candidates for the position of assistant inspector of mines. Said miner and operator members of the board shall hold their positions until their successors are appointed. The Chief Inspector of Mines shall be chairman of the board, and whenever it may be necessary for him to be absent from any meeting of the board, he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations, and issue certificates. The technical qualifications required of mine

foremen and fire-bosses, respectively, shall be set out by the board.

Said board shall hold four regular meetings or sessions during the year, upon such dates, not more than three months apart, and at such place or places as the members may determine, and the chairman shall have authority to call special meetings whenever there shall be necessity therefor. Notice of time and place shall be given at least two weeks in advance of a regular meeting for examinations.

For their services as examiners, said inspectors shall receive no extra compensation, but only their regular salaries and their traveling expenses; that is their services as examiners shall be considered and treated as part of their official duties as inspectors; but the miner and operator members shall each receive five dollars per day for the time occupied in attendance upon each session of the board, together with his actual and necessary traveling expenses. The accounts of the miner and operator members for compensation and expenses shall be rendered promptly after the close of each meeting of the board; they shall be itemized and certified to as in the case of accounts rendered by the inspectors, and they shall be paid as the expense accounts of the inspectors are paid when approved by the Chief Inspector of Mines and by the Governor.

§ 2. To all persons possessing the qualifications required by this act for appointment as assistant inspectors of mines and who have passed a satisfactory examination before the Board of Examiners, a certificate shall be given, in such form as may be prescribed by the Chief Inspector of Mines, certifying to the Governor that said applicant has passed a satisfactory examination and possesses the qualifications by this Act required of an assistant inspector. Said certificate shall be signed by the members of the Board of Examiners.

§ 3. To all persons possessing the qualifications by this Act required of a mine foreman, and who have passed a

satisfactory examination before the Board of Examiners, a certificate shall be issued, in such form as shall be prescribed by the Chief Inspector of Mines, and of such class as may be determined by the Board of Examiners; which certificate shall be signed by the Chief Inspector of Mines and Board of Examiners.

§ 4. To all persons possessing the qualifications by this Act required of a fire-boss and who have passed a satisfactory examination before the Board of Examiners, a certificate shall be issued, in such form as shall be prescribed by the Chief Inspector of Mines; which certificate shall be signed by the Chief Inspector of Mines and Board of Examiners.

ARTICLE XVI.

Examination of Mine Foremen and Fire Bosses.

§ 1. No person shall be employed as mine foreman or fire-boss in any mine in which fifteen or more persons are employed at one time who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners provided for by this Act and has been found fit and competent.

Mine Foreman.—The certificates of qualification for mine foremen shall be divided into three classes, namely, (1) First Class, which shall authorize the holder thereof to act as foremen for all classes of coal mines; (2) Second Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine; (3) Third Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time.

Fire-boss.—The certificate of qualification to serve as fire-boss shall authorize the holder thereof to act as fire-boss in any coal mine.

Each applicant for examination shall, before he is exam-

ined, pay a fee of two dollars and fifty cents to the Auditor of Public Accounts, who shall issue his receipt therefor, which receipt the applicant shall present to the Board of Examiners before he shall be permitted to enter the examination; and all fees so paid shall be turned into the State Treasury to the credit of the general expenditure fund.

The class of certificate which may be awarded an applicant who has been examined with respect to his qualifications to serve as mine foreman shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant or by the grade made by him upon examination. The certificate to be awarded a successful applicant for a certificate of qualification to serve as fire-boss shall show upon its face that the holder is authorized to act as fire-boss.

No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well-known and responsible persons in the locality whence he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines. Certificates may be granted only to persons who are bona fide residents of this State or who are employed at mines within the State. The board is authorized to decline to examine any applicant who can not readily understand the written English language or who can not express himself intelligently in the English language.

The Chief Inspector of Mines, as chairman, shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§ 2. Any person acting as mine foreman or fire-boss at a coal mine without having a certificate from the Board of Examiners authorizing him to act as such mine foreman or fire-boss, except as herein specified and any operator or superintendent who shall employ any person to act as mine

foreman or fire-boss who has not obtained a certificate from the Board of Examiners authorizing him to act as such mine foreman or fire boss, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than one hundred dollars nor more than two hundred dollars. In case of a vacancy in the position of mine foreman or fire-boss in any mine the assistant inspector of mines for the district may, with the approval of the Chief Inspector, authorize a temporary appointment of any miner of four or more years of experience in coal mines, whom he may deem competent to act as mine foreman or fire-boss, as the case may be, for a period not exceeding ninety days. Any mine foreman holding a certificate of the first class may serve as fire-boss.

§ 3. The certificate of a mine foreman or of a fire-boss, as the case may be, may be cancelled and revoked by the Board of Examiners, upon notice and hearing as herein provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful neglect to comply with instructions to obey the requirements of the mining laws given by an inspector of mines, or other cause; Provided, that any person against whom charges are made shall have a right to appear before said board and defend against such charges, and he shall have fifteen days' notice in writing of such charges previous to such hearing.

§ 4. Persons who have heretofore been granted certificates by the Board of Examiners, as heretofore constituted, authorizing them to act as mine foremen or fire-bosses, shall not be required to again obtain such certificate giving authority to act in such capacity required by this Act. And all certificates granted prior to June 16, 1910, shall be accepted and recognized as certificates of the First Class provided for in this article.

ARTICLE XVII.

Discretionary Powers of Assistant Inspectors: Arbitration.

§ 1. Each assistant inspector of mines shall exercise sound discretion in the performance of his duties under the provisions of this Act, and if the operator or superintendent of any mine shall be dissatisfied with any decision the assistant inspector for the district in which said mine is situated has given in the discharge of his duties, which decision shall, if requested, be reduced to writing, it shall be the duty of the dissatisfied person to appeal from said decision to the chief inspector of mines, who shall at once direct two or more of the other assistant inspectors to promptly accompany the assistant inspector of the district to the mine, to make further examination into the matters in dispute. If the said assistant inspectors shall agree with the decision of the assistant inspector of the district, their decision shall be final, unless, within seven days from receipt of the decision of the committee of assistant inspectors, the dissatisfied person shall appeal therefrom to the circuit court of the county in which said mine is situated.

§ 2. Upon such appeal the circuit court, or the judge thereof in chambers, shall forthwith appoint a commission of four practical, reputable and competent persons, two of whom shall be recommended by the dissatisfied person and the other two by the chief inspector, and the four persons thus recommended and appointed shall appoint a fifth person, who also shall be practical, reputable and equally competent, and the five persons so appointed, none of whom shall be in the employ of or related to the dissatisfied person or in the employ of the State Department of Mines, shall constitute a commission to investigate and report on the matter in dispute. In case, however, any or all of said four persons are not recommended by a writing filed in said court within seven days after the said appeal is filed then the judge of said court shall fill the vacancy or vacancies by the appoint-

ment of a practical, reputable and competent person or the necessary number of such persons; and in case the four persons thus appointed do not agree in writing upon the fifth person for said commission within five days after having received notice of their appointment, then the said judge of said court shall appoint the said fifth person on said commission.

The duty of said commission shall be, under the instruction of said court, to examine said mine in relation to the matter or matters in dispute and report under oath, within ten days after their appointment, the facts as they exist and the conditions pertaining thereto, and, based upon such conditions and facts, the decision of a majority of said commission on the matter in dispute; and the report and decision of said commission shall be final and conclusive, unless exceptions thereto shall be filed by the said dissatisfied person or the chief inspector of the Department of Mines within seven days after the filing of said commission's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter an order in accordance with such determination. For their services each of said commissioners shall receive five dollars per day and their necessary expenses, which shall be taxed and paid as a part of the cost of said proceeding.

§ 3. In event the employes at any mine, represented by seventy-five per cent of their number, shall be dissatisfied with the inspection of said mine made by an assistant inspector of mines, they shall have a right to appeal in writing to the chief inspector, setting forth in writing, clearly and in detail, the reason or reasons for their dissatisfaction; and the chief inspector shall carefully consider said appeal and promptly take action thereon, which may consist of ordering another inspection to be made by said assistant inspector alone or in company with another assistant inspector detailed by the chief inspector for the purpose, should such course appear to him to be warranted by the facts set forth in the

appeal, or of such other action as to said chief inspector may appear to be just and proper in the premises. Said appeal in writing shall be signed by the dissatisfied persons.

ARTICLE XVIII.

Mine Scales.

§ 1. The operator or superintendent of every coal mine in this State, to which this Act applies, at which miners are paid by weight shall provide at such mine suitable and accurate scales for the weighing of the coal for which the miners are to be paid; and when differences arise between the operator or superintendent of the mine and the miners employed in the same as to the accuracy or capacity of the scales, the question shall be referred to the county inspector of weights and measures, whose duty it shall be to inspect and test said scales as early as practicable after receiving notification; and should said inspector find the scales inaccurate or defective beyond the limit admitted in scales of standard manufacture, he shall notify the operator or superintendent of the mine, and said scales shall forthwith be repaired and made accurate, or accurate scales be substituted therefor.

§ 2. Any operator or superintendent of a coal mine who refuses or wilfully fails to comply with the instructions to render his mine scales accurate shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars nor more than fifty dollars.

ARTICLE XIX.

Mine Rules.

§ 1. The operator of any coal mine to which this Act applies shall have the right to adopt special rules for the government and operation of his mine or mines not in conflict with the provisions of this Act or any amendment or amendments thereto, covering all the work pertaining

thereto in and out of the mine, but before said rules shall be in effect they shall be approved in writing by the chief inspector of mines. Such rules when so adopted and approved in writing by the chief inspector shall be printed on cardboard in the language spoken by ten or more employes at such mine or mines, and shall be posted in the drum house tippie, or other conspicuous place about the mine where the same may be seen and observed by the employes at such mine; and when said rules are so adopted and approved by the chief inspector and posted all employes at such mine shall be deemed to have notice thereof, and to have agreed to the provisions thereof, and persons violating any such provisions thereof shall upon conviction be punished as provided in Article twenty-one of this Act.

§ 2. It shall be the duty of such mine operator when so requested by an employe to furnish a printed copy of such rules to the employe so requesting the same.

§ 3. In case of a failure upon the part of such operator to post said rules after the same shall have been adopted and approved by the chief inspector of mines, he shall be deemed guilty of a misdemeanor and upon conviction be punished as provided in Section 2, of Article twenty-one of this Act.

ARTICLE XX.

Duty of Persons To Observe

And Obey The Mine Laws and Mine Rules.

It shall be the duty of all persons employed in and about the mines to observe and obey the mining laws and the mine rules adopted for the safe government and operation of the mine in or about which such persons are employed, and to exercise such reasonable care as may be necessary to preserve their own health and safety and the health and safety of other persons employed in and about such mine.

ARTICLE XXI.

Penalties For Violations Of This Act.

§ 1. Any person who shall intentionally or carelessly injure any safety lamp, instrument, air course, or brattice; or who shall without proper authority handle, remove, or render useless any "fencing," means of signaling, apparatus, instrument, or machinery; or shall without proper authority obstruct or throw open airways, or enter a place in or about a mine against a notice or signal of caution, or open any door, the opening of which is forbidden; and any one who shall carry fire, open lights, matches, pipes or other smoker's articles beyond any station inside of which locked safety lamps are used, or open a door used for directing ventilation in a mine and not close it promptly, or disobey any order given in carrying out the provisions for safety set forth in this Act, or do any other act whatsoever whereby the lives or the health of the persons employed or the security of the mine or machinery are endangered, shall, except as otherwise in this Act provided, be deemed guilty of a misdemeanor, and shall upon conviction be punished as is provided in Section two of this article.

§ 2. Any person who neglects or refuses to perform the duties required of him by this Act, or by the rules regularly adopted in conformity with this Act for the government and safe operation of any mine, or who violates any of the provisions or requirements thereof, shall, except as otherwise provided in this Act, be deemed guilty of a misdemeanor and shall upon conviction thereof in the circuit court of the county in which the misdemeanor was committed be punished by a fine not exceeding two hundred dollars. Any violation of this Act which has been declared to be a misdemeanor by any provisions thereof shall be punished in like manner, unless other punishment be provided therein.

ARTICLE XXII.

§ 1. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Mr. Arnett proposed the following amendment, viz.:

Amend Section 1, lines sixteen and seventeen, by striking out the words "three thousand dollars," and inserting in lieu thereof, the words "eighteen hundred dollars."

Amend Section 2 by striking out the entire section.

Amend Section 3, line 16, by striking out the word "eighteen" and inserting in lieu thereof the word "fifteen."

Amend Section 4, beginning with line 15, and striking therefrom the remainder of said section.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Joe F. Bosworth	Nim R. Cobern
Charles Arnett	Hiram M. Brock	John H. Durham
W. W. Booles	J. Will Clay	John F. Ford

W. A. Frost	T. J. Moore	J. T. Tunis
Seldon R. Glenn	H. G. Overstreet	Mitchell Vincent
Walker C. Hall	Sam L. Robertson	W. F. Welch
J. B. Hiles	R. M. Salmon	J. H. Williams
Hite Huffaker	Dr. H. G. Sanders	J. R. Zimmerman
S. L. Marshall	Robert H. Scott	
W. B. Moody	G. G. Speer	

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Resolved, That the title of said bill be as aforesaid.

Mr. Salmon moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that it had passed bills, which originated in that body, of the following titles, viz.:

H. B. 411. An Act to prevent employment of private guards and gun men and fixing the penalty for so doing, as well as preventing any one from acting in the capacity of guard or gun men and fixing the penalty for so acting.

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home, and providing for the maintenance thereof," approved March 27, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910, and March 18, 1912.

Said bills were ordered printed and referred as follows, viz.:

H. B. 411. To the Committee on Rules.

H. B. 440. To the Committee on Rules.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 358. An Act to amend Section 747, subdivision 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, deputy and clerks.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 747, of the Kentucky Statutes, be and the same is, hereby amended by striking therefrom the words "five thousand dollars," in line four of said section, and inserting in lieu thereof the words "nine thousand eight hundred dollars," so that said section, when so amended, will read as follows:

The Insurance Commissioner shall receive an annual salary of three thousand dollars per year, and the deputy shall receive two thousand dollars per year. There shall also be paid nine thousand eight hundred dollars to secure the clerical and actuarial assistance necessary to the discharge of all the duties devolving by law on the Insurance Department, or on the Commissioner. The salaries shall be paid monthly out of the Treasury of the Commonwealth, out of the insurance fund, in the same manner as other salaries are paid, and the other expenses of the department shall be paid out of the same fund by the warrant of the Auditor upon vouchers signed by the Commissioner.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Walker C. Hall	R. M. Salmon
Joe F. Bosworth	Webster Helm	Dr. H. G. Sanders
Hiram M. Brock	J. B. Hiles	M. O. Scott
J. Will Clay	S. L. Marshall	Robert H. Scott
Nim R. Cobern	W. B. Moody	G. G. Speer
John H. Durham	T. J. Moore	Mitchell Vincent
John F. Ford	H. G. Overstreet	W. F. Welch
Seldon R. Glenn	Sam L. Robertson	J. H. Williams

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Those who voted in the negative were—

Robert Antle	C. F. Montgomery	J. R. Zimmerman
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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 229. An Act to amend Chapter 75, of the Acts of

the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 75, of the Acts of the General Assembly of 1912, entitled "An Act to amend and re-enact an Act entitled 'An Act to amend an Act entitled, "An Act to amend an Act entitled, 'An Act to assign the cities and towns of this Commonwealth to the classes to which they belong,' " approved March 14, 1912, be amended by striking from the cities of the fourth class the words, "Hopkinsville, Christian County," and by inserting the said words in the cities of the third class after the words, "Bell County," and by striking from the last clause of the said Act the figures "1909" and inserting therein the figures "1913;" also by striking therefrom the figures "1913," and inserting therein the figures "1917," so that when amended and re-enacted said Act shall read as follows:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County.

Fourth Class—Shelbyville, Shelby County; Maysville, Mason County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon

County; Ashland, Boyd County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Corbin, Whitley and Knox Counties; Franklin, Simpson County; Barbourville, Knox County; Highlands, Campbell County; London, Laurel County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; and Somerset, Pulaski County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; West Covington, Kenton County; Earlington, Hopkins County; Hickman, Fulton County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Elkton, Todd County; Falmouth, Pendleton County; Vanceburg, Lewis County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Murray, Calloway County; Marion, Crittenden County; Sebree City, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Sturgis, Union County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County;

Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County; Owenton, Owen County; Scottsville, Allen County; Olive Hill, Carter County; Burnside, Pulaski County; Prestonsburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; Lagrange, Oldham County; Guthrie, Todd County; Clifton, Campbell County; Jackson, Breathitt County; Russell, Greenup County; Mt. Pleasant, Harlan County; Hustonville, Lincoln County; Elizabethtown, Hardin County, and Drakesboro, Muhlenberg County.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the Sixth Class.

Provided, That the officers elected in 1913 and all the officers now serving in the cities above mentioned that are by this Act changed from a class other than they are now, shall be continued and remain as the officers in the class to which they are now placed, and shall hold such offices until their successors are elected at the regular November election, 1917.

Mr. Brock proposed the following amendment, viz.:

Amend by adding after the figures "1917," in line 11, the following words: "and reassigning Jackson, Breathitt County; Hazard, Perry County; Tompkinsville, Monroe County; Irvine, Estill County; Drakesboro, Muhlenberg County; Crab Orchard, Lincoln County; Murray, Calloway County, to a new classification."

Amend line 60, by striking therefrom, the words "Jackson, Breathitt County," and inserting the same in line 36 after the word "County" and by adding to the same line the words "Hazard, Perry County."

Amend line 63, by inserting the words "Tompkinsville, Monroe County; Irvine, Estill County."

Amend by striking out the words "Murray, Calloway County," in line 49, and insert after the word "county" in the 36th line, the words "Murray, Calloway County."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	Dr. H. G. Sanders
Charles Arnett	Webster Helm	M. O. Scott
W. W. Booles	J. B. Hiles	Robert H. Scott
Joe F. Bosworth	S. L. Marshall	G. G. Speer
Hiram M. Brock	C. F. Montgomery	Mitchell Vincent
J. Will Clay	W. B. Moody	W. F. Welch
Nim R. Cobern	T. J. Moore	J. H. Williams
John H. Durham	H. G. Overstreet	J. R. Zimmerman
W. A. Frost	Sam L. Robertson	
Seldon R. Glenn	R. M. Salmon	

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Booles moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

FRIDAY, MARCH 13, 1914.

The Senate was opened with prayer by Reverend Father Joseph Flynn, of the Catholic Church.

On motion of Mr. Williams, the reading of the Journal was dispensed with and the journal was approved.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined and enrolled resolution and bills, which originated in the House of Representatives, of the following titles, viz.:

H. Res. 20. Joint resolution petitioning Congress to enact a law permitting the growers of tobacco to twist the tobacco of their own raising, and sell same free of any tax or license.

H. B. 59. An Act to establish a Board of Examiners for Trained Nurses and to regulate the practice of professional trained nursing in the State of Kentucky.

H. B. 183. An Act relating to the establishment, protecting and building of levees for the public benefit.

H. B. 494. An Act to amend and re-enact Article 1,

Chapter 52, Kentucky Statutes, Edition 1909, being Sections 1833 to 1851, inclusive, entitled "Fiscal Courts," as amended by an Act entitled "An Act to amend Section 1850 of the Kentucky Statutes, Edition of 1909," being Chapter 116 of the Acts of 1910.

And found same to be correctly enrolled.

Said resolution and bills were then compared by the clerks in open session of the Senate, and found to be correctly enrolled. Thereupon the President affixed his signature thereto, and they were returned by the clerk to the House of Representatives.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined an enrolled bill, which had originated in the Senate, of the following title, viz.:

S. B. 104. An Act to amend Chapter 81, Article 1, entitled Liquors, Intoxicating, of Kentucky Statutes, Carroll's Edition 1909, by repealing Sections 2554 and 2557, and enacting other provisions in lieu thereof.

And found the same correctly enrolled.

Said bill was then compared by the clerks in open session of the Senate, and found to be correctly enrolled. Whereupon, the President affixed his signature thereto and it was delivered by the clerk to the House of Representatives for comparison and for the signature of the Speaker of that body.

A message was received from the House of Representatives announcing that it had passed a bill, which originated in that body, of the following title, viz.:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

Said bill was ordered printed and referred as follows:

H. B. 242. To the Committee on Rules.

Mr. Robertson was given unanimous consent to introduce a bill.

By Mr. Robertson:

S. B. 363. An Act to amend an Act entitled "An Act for the Government of Cities of the First Class," approved July 1, 1893, relating to the Sinking Fund of cities of the first class.

Said bill was ordered printed and referred to the Committee on Rules.

A message was received from the Governor, through his Private Secretary, in writing.

Commonwealth of Kentucky, Executive Department,
Frankfort, Kentucky, March 13, 1914.

Gentlemen of the Senate and House of Representatives:

There is no legislation more important at the present time than legislation in regard to revenue and taxation.

A commission was appointed nearly two years ago under a resolution of the General Assembly, and the Commission, after being aided by an expert and after much study and consideration, presented a lengthy report and an important bill.

The members of the House of Representatives were not satisfied with that bill, and amendments were offered and adopted, and the bill and amendments were recommitted to

the committee which had reprinted the bill. Afterwards a new bill was reported to the House of Representatives, when there was much discussion and several amendments were agreed to, and the revenue and taxation bill was passed by the House of Representatives and sent to the Senate.

I can not speak too strongly in favor of the passage of a revenue and taxation bill. The people of Kentucky are expecting a bill to be passed to help raise sufficient revenue to pay the debt of the State of Kentucky. On the last day of February, 1914, the outstanding warrants of the State amounted to \$2,039,222.03. There was at that time in the treasury the sum of \$920,775.29.

It is no excuse that one of the cities in Kentucky has an indebtedness of \$11,000,000.00, that each of the States south of Kentucky are in debt from \$4,000,000.00 to \$20,000,000.00, and that a majority of the Northern and Western States owe from \$5,000,000.00 to \$75,000,000.00. With proper legislation, our debt can soon be extinguished.

I am in favor of a revenue and taxation bill that will be fair and just to the people of Kentucky, and equal and uniform on property.

Most of the States in the Union have enacted new revenue and taxation laws—notably the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Alabama, Arkansas and Texas. Thirty-one States in all have revised their tax systems and provided for tax commissions.

The most important defects of the tax system in Kentucky at present are:

Our present system does not furnish sufficient revenue to pay the expenses of the State.

Taxation is not equal and uniform.

Much property escapes taxation.

The assessors generally permit persons to fix the valuation of their own property.

Important laws are rarely perfect when first enacted;

any bill that is passed by both houses will have to be a compromise bill, and the best that can be framed under existing circumstances.

I shall not attempt to suggest all the provisions of a revenue bill.

There should be a tax commission, to consist of not less than three men well informed on revenue and taxation, which commission shall have general supervision of the entire system of taxation—both State and local—including license taxes and inheritance taxes.

The members of this commission should be required to reside at Frankfort.

Among the important duties they should perform are:

Co-operate with the assessors or county tax commissioners and direct the re-assessment of property in any taxing district where it appears, after an investigation, that the original assessment was not substantially just and equitable.

Supervise all the local assessors or tax commissioners; confer, instruct and advise with them as to their duties, and visit each county as often as necessary and practicable.

Require individuals and corporations to furnish information as to their capital stock, assets and liabilities.

Value and assess the capital stock of corporations organized under the laws of Kentucky or doing business in this State.

Require the actual consideration to be expressed in all deeds and all notes or obligations for money to be listed.

I believe it is so important for the revenue and taxation bill to be passed at the present session of the Legislature that I very sincerely recommend that such minor provisions as can not be agreed to be left out and a bill passed which, in the future, may be amended if necessary.

Although only a few days remain of the present session of the Legislature, the taxation question has been so thoroughly discussed and is so well understood that I believe a

bill can be passed which will satisfy the present demands of the people; but, if the Legislature adjourns without having enacted a law on the subject of revenue and taxation, there will be a great disappointment among the people.

I recommend, therefore, that the most earnest efforts be made to enact a revenue and taxation law, and I believe your efforts will be crowned with success.

JAMES B. McCREARY,
Governor.

Mr. Helm moved that the message be received and filed.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the calendar a bill, which originated in the Senate, of the following title, viz.:

S. B. 327. An Act appropriating money for the proper care of the State Capitol, Capitol grounds and Governor's Mansion.

The constitutional provision as to the second reading of said bill at length being dispensed with, said bill was read by its title and ordered placed in the orders of the day.

Mr. Frost, of the Committee on Rules, called from the Committee on Judiciary, a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 163. An Act Act providing the time and manner of electing United States Senators.

Said committee reported same with a favorable recommendation.

Said bill was read at length for the first time and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, to which had been referred a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home and providing for the maintenance thereof," approved March 27, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910, and March 18, 1912.

Reported the same with a favorable recommendation.

Mr. Moody, of the Committee on Revenue and Taxation, to which had been referred a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition 1909, and subsequent acts amendatory thereof, all relating to revenue and taxation.

Reported same, with an amendment thereto, with a favorable recommendation.

Said bills were read at length for the first time and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill, which originated in the Senate, of the following title, viz.:

S. B. 360. An Act to establish a restaurant in State Capitol for the benefit of the General Assembly and public.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Whereas, the State Capitol is located about one mile from the hotels and restaurants doing business in the city of Frankfort, and,

Whereas, the street car line is inconveniently located for those who desire to travel between the State Capitol and the business portion of Frankfort, and it requires considerable loss of time to go from the State Capitol to the hotels and restaurants to secure meals, which makes it necessary for the General Assembly to adjourn for nearly two hours for the noon day meal, a greater part of which time could be devoted by the members of the General Assembly to the discharge of their duties if a restaurant was conveniently located in the State Capitol, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of two thousand five hundred dollars, or so much thereof as may be necessary, is appropriated out of any fund in the hands of the Treasurer not otherwise appropriated, for the purpose of preparing a room in the basement of the Capitol Building, equip it with chairs, tables and other appurtenances necessary to establish a good restaurant for the use of the members of the General Assembly, the State officers and the public. The Commissioners of the Sinking Fund of Kentucky are directed to set apart a suitable room for use as a restaurant, and have said room put in proper condition to be used as such, and to equip it with the necessary furniture and supplies, so that a good restaurant may be maintained therein during the session of the General Assembly, and at such other times as the Commissioners of the Sinking Fund may be able to have said restaurant maintained. The said Commissioners of the Sinking Fund are directed to

enter into contract with some suitable person to take charge of the room and furniture, and operate a restaurant therein during the session of the General Assembly, and if they are unable to secure a suitable person who will operate a restaurant for the profit he may derive therefrom, then they shall be authorized to pay a reasonable sum to have said restaurant properly conducted. The Commissioners of the Sinking Fund will draw an order upon the Auditor of Public Accounts for such sum as they may expend, and the Auditor will issue his warrant upon the treasury therefor to the person certified to be entitled to the same.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Webster Helm	R. M. Salmon
Charles Arnett	J. B. Hiles	M. O. Scott
W. W. Booles	D. H. Hildreth	Robert H. Scott
Joe F. Bosworth	C. Holman	J. T. Tunis
John H. Durham	S. L. Marshall	W. F. Welch
John F. Ford	C. F. Montgomery	J. H. Williams
W. A. Frost	W. B. Moody	
Walker C. Hall	Sam. L. Robertson	

—22

Those who voted in the negative were—

W. J. Bale
Hite Huffaker

J. F. Porter

G. G. Speer

—4

Resolved, That the title of said bill be as aforesaid.

Mr. Tunis moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, proposed the following resolution, viz.:

Whereas, during the early part of this session of the General Assembly the committee appointed by the President of the Senate to investigate the public offices and institutions to which appropriations had been made was forced to have the services of a stenographer in order to expedite matters, and

Whereas, the Senate had not secured the services of any one to perform said duties, said committee was forced to employ Miss Clara Netherton for thirty-five days; now therefore,

Be it Resolved, That Miss Clara Netherton, stenographer, be and she is hereby allowed the sum of one hundred and five dollars for thirty-five days' work, and eight and 60/100 dollars for the rent of a typewriter, the purchase of pencils, note books, envelopes, carbon paper, typewriter paper and stamps, amounting in the aggregate to one hundred and thirteen and 60/100 dollars, and that the same be paid out of the contingent fund of the Senate and that the clerk of the Senate do certify a copy of these resolutions to the Auditor of Public Accounts, and the said Auditor is directed to draw his warrant upon the Treasurer of the State of Kentucky for the amount hereby appropriated out of the contingent fund of the Senate to be paid out of the moneys in the treasury of the State not otherwise appropriated. Upon receipt of the

warrant of the Auditor of Public Accounts the Treasurer of the Commonwealth is hereby directed to draw his check in favor of Miss Clara Netherton for the amount named therein.

The question was then taken on the adoption of said resolution and it was decided in the affirmative.

The following pair was announced on Senate Bill No. 11 by Messrs. Huffaker and Knight as follows:

Mr. Huffaker would, if present, vote in the negative.

Mr. Knight would, if present, vote in the affirmative.

Mr. Marshall, of the Committee on Banks and Trust Companies, to which had been referred a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 132. An Act to amend Sections 48, 50 and 94 of an Act entitled "An Act defining public roads, providing for their establishment, regulating and construction, use and maintenance, creating the office of Road Engineer, and prescribing the duties thereof," which Act became a law upon the approval of the Governor, March 18, 1912.

Reported the same with a favorable recommendation.

Mr. Hall, of the Committee of Agriculture and State Fair, to which had been referred a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 224. An Act authorizing counties of this State to own and operate ferries.

Reported the same with a favorable recommendation.

Said bills were read at length for the first time and ordered placed on the calendar.

Mr. Brock moved that the Senate convene this evening at 7:30 o'clock, in order that House Bills be given their first reading and to transact other business that might come before the Senate.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 326. An Act to repeal and re-enact Section 3076, of the Kentucky Statutes, relating to the power to grant licenses, and to direct the manner of issuing and regulating the same, and the fees and charges to be paid therefor in cities of the second class.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3076, of Chapter 89, of the Kentucky Statutes, Carroll's Edition, 1909, Municipal Corporations, be and the same is hereby repealed, and in lieu thereof that said Section be re-enacted to read as follows:

Section 3076. The General Council, or in cities having adopted the Commission Form of Government the Commissioners, shall have power by ordinance to license, tax and regulate the sale of spirituous, vinous and malt liquors, to so authorize and designate the proper officers of the city to issue and grant all licenses in accordance with such regulations as

by ordinance may be prescribed, and to fix the prices and fees to be charged therefor.

§ 2. Inasmuch as it is necessary that all license ordinances shall be passed by the governing bodies of cities of the second class in the month of February in each year, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	S. L. Marshall	M. O. Scott
Charles Arnett	C. F. Montgomery	J. T. Tunis
W. J. Bale	W. B. Moody	Mitchell Vincent
John F. Ford	H. G. Overstreet	J. H. Williams
W. A. Frost	J. F. Porter	J. R. Zimmerman
Seldon R. Glenn	R. M. Salmon	—17

Those voting in the negative were—

Joe F. Bosworth	Webster Helm	Chas. H. Knight
Hiram M. Brock	J. B. Hiles	Sam L. Robertson
Nim R. Cobern	D. H. Hildreth	Robert H. Scott
John H. Durham	C. Holman	G. G. Speer
Walker C. Hall	Hite Huffaker	W. F. Welch

—15

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Robertson moved that the session be extended until the matter under consideration had been disposed of.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the Senate, of the following title, viz.:

S. B. 267. An Act to amend Section 1, of an Act entitled, "An Act to amend an Act entitled 'An Act for the Government of Cities of the First Class,' " approved July 1, 1893, approved March 21, 1906, and being Section 2833, Kentucky Statutes, Carroll's Edition of 1909.

The Senate took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 70 of an Act entitled "An Act for the government of cities of the first class," approved July 1, 1893, as amended by Section One of an Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class,' approved July 1, 1893," approved March 21, 1906, which is Section 2833 of the Kentucky Statutes (Carroll's Edition, 1909), be amended by adding thereto the following words:

"The general council shall have power by ordinance recommended by the Board of Public Works, to require that

water, gas and sewer service pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots, the Board of Public Works shall fix a reasonable distance, fronting on said public way, which shall constitute a lot for the purposes of this act, and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five (25) feet. No water, gas or sewer service pipes shall be laid or constructed under this act, unless there be a water or gas main or sewer in said public way, to which said service pipes are to be connected, nor shall any pipes be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the General Council in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The General Council shall have power by ordinance recommended by the Board of Public Works to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the Board of Public Works at the cost of the respective owners of the abutting lots. Provided, however, that any gas company whose franchise requires said company to bear the expenses of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unim-

proved when said public way was paved or repaved, but who shall thereafter use the gas pipe installed under this act, to the extent of his expense theretofore incurred for the installation of said pipe. The General Council shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act," so that said section as amended will read as follows :

"When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the Board of Public Works, according to the number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part of the cost of the construction of the street or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The General Council shall have power by ordinance, recommended by the Board of Public Works, to cause the digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes in the public ways, and to apportion the cost thereof exclusively against the owner of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the General Council may prescribe

by ordinance, and lien shall exist against such lots for respective apportionment by the Board of Public Works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire-hydrants and attachments to street water-pipes, with interest from the date of the apportionment at the rate of six per cent per annum until paid. The General Council shall have power, by ordinance, recommended by the Board of Public Works, to require that water, gas and sewer service pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots, the Board of Public Works shall fix a reasonable distance, fronting on said public way which shall constitute a lot for the purposes of this act, and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five feet. No water, gas or sewer service pipes shall be laid or constructed under this act unless there be a water or gas main or sewer in said public way to which said service pipes are to be connected, nor shall any pipe be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot of the respective apportionment by the Board of Public Works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of service pipes and sewers under this act shall be ordained by the General Council in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The General Council shall have power by ordinance, recommended by the Board of Public Works, to prescribe that such water and gas pipes shall be installed by the respective

owners of the main pipes in the public way at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the Board of Public Works, at the cost of the respective owners of the abutting lots. Provided, however, that any gas company whose franchise requires said company to bear the expense of a service pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved, but who shall thereafter use the gas pipe installed under this act, to the extent of his expense theretofore incurred for the installation of said pipe. The General Council shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act."

§ 2. This act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	J. B. Hiles	T. J. Moore
Charles Arnett	D. H. Hildreth	H. G. Overstreet
W. W. Booles	Hite Huffaker	J. F. Porter
Hiram M. Brock	Chas. H. Knight	Sam L. Robertson
Nim R. Cobern	S. L. Marshall	R. M. Salmon
John F. Ford	C. F. Montgomery	Dr. H. G. Sanders
Seldon R. Glenn	W. B. Moody	Robert H. Scott

G. G. Speer
J. T. Tunis

Mitchell Vincent
W. F. Welch

J. H. Williams
J. R. Zimmerman
—27

There voted in the negative—

C. Holman

—1

Resolved, That the title of said bill be as aforesaid.

Mr. Robertson moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

The hour of adjournment having arrived the Senate adjourned to meet at 2:30 p. m.

AFTERNOON SESSION.

At 2:30 p. m. the Senate reconvened.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined enrolled resolutions and a bill, which originated in the House of Representatives, of the following titles, viz.:

H. Res. 26. Resolution providing for an assistant to the Superintendent of Public Printing at a salary of seventy-five dollars per month.

H. Res. 30. Resolution appropriating one hundred and thirty-one dollars and eighty-three cents to be paid to the State Journal Company for printing 5,000 copies of Tax Commission Report.

H. B. 63. An Act to establish an Insurance and Annuity Fund for teachers in public schools of cities of the second class (in the State of Kentucky) and to regulate the collection, management and disbursement thereof.

And found same correctly enrolled.

Said resolutions and bill were then compared by the clerks in open session of the Senate, and found to be correctly enrolled. Thereupon, the President affixed his signature thereto and they were returned by the clerk to the House of Representatives.

A message was received from the House of Representatives, announcing that they had adopted a resolution and passed bills, which originated in the House of Representatives, of the following titles, viz.:

H. Res. 38. Resolution appropriating \$125.00 for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

H. B. 14. An Act to regulate the sale, or loan of spiritous, malt, vinous or other alcoholic liquors that produce drunkenness.

H. B. 23. An Act to repeal Chapter 10, Acts of 1906, approved March 1, 1906, and to provide for a dog tax.

H. B. 258. An Act repealing Section 4217, of Kentucky Statutes, Carroll's Edition, and amending Section 4224, Kentucky Statutes, Carroll's Edition, and providing for the license of certain classes of temporary or transient merchants doing business in any county in the State, defining the same and the manner of issuing license, regulating the advertising

and representation of such merchant, providing penalties for the violation thereof.

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes, relating to the improvement of streets, public ways and grounds, and sidewalks in cities of the second class.

H. B. 271. An Act to amend Section 10 of Article 17, of Chapter 22 of an Act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An Act relating to revenue and taxation."

H. B. 297. An Act to repeal Section 1379 of Kentucky Statutes of 1909, relating to the working of prisoners on public works and roads, and a substitute therefor.

H. B. 354. An Act to regulate the time of holding terms of Circuit Court in the Thirty-Fourth Judicial District of Kentucky.

An Act to amend subsection 1, 2, 3 and 16 of section 1409, chapter 40, Carroll's Kentucky Statutes, 1909 Edition, and extending said section by adding thereto.

H. B. 109. An Act to amend an Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky institutions of higher learning by the State board of Education, and to

provide for the recognition of certificates from other States by reciprocity.

H. B. 444. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. B. 540. An Act to amend Sections 3 and 5 of an Act entitled, "An Act to provide for the enforced attendance of children in the common schools and graded common schools of this Commonwealth," which became a law March 15, 1912.

Said resolution and bills were ordered printed and referred to the Committee on Rules.

A message was received from the House of Representatives, announcing that it had concurred in the Senate amendments to House Bill 229 and had passed said bill as amended.

Mr. Vincent proposed the following resolution, viz.:

S. Res. 27. Resolution appropriating \$100.00 to I. Z. Green.

Whereas, I. Z. Green, day watchman, has rendered much assistance to the members of the General Assembly during the present session, which has been for their comfort and convenience, and whereas, he has been required to work overtime for which he has received no compensation; now, therefore,

Be it Resolved by the Senate and the House of Representatives of the General Assembly of Kentucky: That there is hereby appropriated out of the Treasury, the sum of \$100.00, for the benefit of I. Z. Green, and the Auditor is directed to draw his warrant for said sum in favor of said I. Z. Green, and the Treasurer is directed to pay same.

Under the rules of the Senate said resolution lies over one day.

Mr. Antle moved that Senate Resolution A be expunged from the records of the Senate's proceedings.

Said motion was agreed to.

The Rev. Roger T. Nooe, of the Christian Church, extended a cordial invitation to the members, officers and employees of the Senate, to attend services at the Christian Church on next Sunday.

Mr. Hiles moved that said invitation be received and filed.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the Special Committee, to which had been referred a bill of the title, viz.:

S. B. 11. An Act to provide and regulate the method of compensation for injured and dependents of skilled employees; to create a State Insurance Fund and to provide for the administration of such funds by a State Liability Board of Awards.

(For said bill see Journal of yesterday.)

The Committee on Immigration, Labor and Manufacturing proposed the following amendment by way of a substitute therefor, viz.:

An Act to create a Workmen's Compensation Fund and to provide a method of compensation for employes who may

be injured, or the dependents of those killed in the course of their employment from said fund, to be raised and paid into the hands of the State Treasurer, as herein provided, and to define and fix the rights of employes and employers and to define the defenses that may be made by employers in actions for damages arising from death or personal injury of their employes, and to provide a method of raising said fund, and to create a Board of Commissioners to administer said fund and to define the rights, powers and duties of said Board of Commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Board of Commissioners is hereby created to be known as "The Workmen's Compensation Board," to administer the funds for the compensation of injured workmen, and the dependents of killed workmen, as herein provided. Said board shall consist of three members, to be appointed by the Governor, by and with the advice of the Senate; that two members of the said board shall always be selected from the political party which polled the largest number of votes at the last preceding State election before said appointment is made, and one member from the political party casting the next largest number of votes in the last preceding election. No person shall be appointed as a member of said board who has not reached the age of twenty-five years, or who has not been a citizen and resident of the State of Kentucky for the last five years preceding his appointment. The members of said board shall be appointed for a term of four years and until their successors are appointed and qualified. Before entering upon the discharge of his duties, each commissioner shall take the oath of office required of other State officers, the record of which shall be entered upon the Executive Journal in the Governor's office, and he shall execute a bond to the Commonwealth of Kentucky, in the sum of twenty-five thousand (\$25,000) dollars for the faithful dis-

charge of his duties, which bond to be sufficient must be approved by the Governor and filed in the office of the Secretary of State. The Governor may, when the Senate is not in session, fill vacancies in the board, subject to the approval of the Senate when it convenes.

§ 2. The Board shall keep and maintain in its main office in the City of Frankfort, Kentucky, and shall provide suitable rooms, necessary office furniture, supplies, books, periodicals and maps for the same. All necessary expenses shall be audited and paid out of the State Treasury. It shall provide itself with a seal for the authentication of its orders, awards and proceedings, on which shall be inserted the words: "Workmen's Compensation Board, State of Kentucky, Official Seal." The Board may hold sessions at any place within the State. Said board shall have the power to sue and be sued.

§ 3. The Board shall elect one of its members President and each member shall receive as compensation for his services a salary of \$3,000.00 per year, and his actual and necessary traveling expenses in the discharge of his duties, which expenses shall be itemized and approved by the Board and certified to the Auditor of Public Accounts. The salaries of the members of the Board and employes, shall be paid monthly, as now paid to other State officials. The Board shall elect a Secretary, who shall hold his office at the pleasure of the Board, and who shall receive for his services an annual salary of \$2,400.00.

§ 4. The Board may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants and fix their compensation. Such employment and compensation shall be first approved by the Governor, and shall be paid out of the State Treasury. The members of the Board, Secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants that may be employed shall be entitled

to receive from the State Treasury their actual and necessary expenses while traveling on the business of the Board, and the members of the Board may confer with, and meet with, officers of other States and officers of the United States on matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the Board.

§ 5. Each member of the Board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with the duty as such member, or serve on or under any committee of any political party.

§ 6. The Board shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public and shall stand and be adjourned without further notice thereof, on its records. All proceedings of the Board shall be shown on its records of proceedings, which shall be a public record and shall contain a record of each case considered and the award made, with respect thereto and all voting shall be had by the calling of each member's name by the Secretary, and each vote shall be recorded as cast.

§ 7. A majority of the Board shall constitute a quorum for the transaction of business and vacancies shall not impair the right of the remaining members to exercise all the powers of the full Board, so long as a majority remains. Any investigation, inquiry or hearing which the Board is authorized to hold or undertake, may be held or undertaken by or before any one member of the Board. All investigations, inquiries, hearings and decisions of the Board, and every order made by a member thereof, when approved and confirmed by a majority of the members and so shown on the record of its proceedings, shall be deemed to be the order of the Board.

§ 8. The Board shall adopt reasonable and proper rules

to govern its procedure, regulate and provide for the kind and character of notice and the service thereof, in case of accident and injury to employes, the nature and extent of the proof and evidence and the methods of taking and furnishing same, to establish the rights to benefits or compensation from the fund hereinafter provided for, the form of application of those claiming to be entitled to benefits or compensation therefrom; the methods of making physical examinations and inspections and prescribe the time within which adjudications and awards shall be made.

§ 9. Each member of the Board, the Secretary and every inspector or examiner appointed by the Board, shall, for the purpose contemplated by this Act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas and compel the attendance of witnesses and the production of pertinent books, accounts, papers, records, documents and testimony.

§ 10. In the case of failure or refusal of any person to comply with the order of the commission or subpoena issued by it or one of its inspectors or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection, as aforesaid, the Circuit Judge of the county in which the person resides, on application of any member of the commission or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

§ 11. Each officer who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena before the commission or inspector or examiner, or before the Board, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in circuit courts, which shall be audited and paid from the State Treasury, in the same manner as other expenses are

audited and paid upon presentation of proper vouchers, approved by any two members of the commission. No witness subpoenaed at the instance of a party other than the commission or an inspector, shall be entitled to compensation from the State Treasury, unless the commission shall certify that his testimony was material to the matter investigated.

§ 12. In an investigation, the commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions to be used in the circuit court.

§ 13. A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation, taken by a stenographer appointed by the commission, being certified and sworn to by said stenographer to be a true and correct transcript of the testimony in the investigation, or of a particular witness, or of a specific part thereof, or to be a correct transcript of the proceedings had on said investigation, so purporting to be taken and subscribed, may be received in evidence by the commission with the same effect as if such stenographer were present and testified to the facts certified. A copy of such transcript shall be furnished on demand to any party on payment of the fee therefor, as provided for transcripts in the circuit court.

§ 14. The Board shall prepare and furnish, free of charge, blank forms and provide in its rules for their distribution, so that the same may be readily available, of applications for benefits for compensation from the workmen's compensation fund, notice to employers, proofs of injury or death, or medical attention, of employment and wage earnings, and such other blanks as may be deemed proper and advisable and it shall be the duty of employers to constantly keep on hand a sufficient supply of such blanks.

§ 15. All persons, firms and corporations, regularly employing six or more persons for profit or for the purpose of carrying on any form of industry hereinafter mentioned, in

the State of Kentucky, are employers within the meaning of this Act and are subject to its provisions. All persons in the service of employers, as herein defined, and employed by them for the purpose of carrying on the industries hereinafter mentioned, in which they are engaged (persons casually employed excepted), are employes within the meaning of this Act and subject to the provisions thereof; provided, that this Act shall not apply to employers of employes in domestic or agricultural service, to employes of any employer who are employed wholly without the State, nor shall a member of a firm of employers or any officer of a corporation employer be deemed an employe within the meaning of this Act.

§ 16. The industries which are subject to this Act are classified as follows:

(1) Coal mines, including their tipples, power, light, heating and ventilating plants, tramways, private tracks and sidings and accessory and auxiliary plants, working in or with by-products.

(2) Paint manufactories, oil refineries, oil and gas wells including their pipe lines, storage, power or light plants, tramways, private tracks and sidings, and accessory and auxiliary plants working in or with by-products.

(3) Iron and steel mills, including blast furnaces, smelters, tube works, rolling mills, and their accessory and auxiliary plants, working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(4) Sheet and tin plate mills, including their accessory and auxiliary plants, working in or with by-products, and plants generating power, light or heat, and tramways, private tracks or sidings.

(5) Foundaries, machine shops, firearm factories, tool factories, car building and repairing, structural iron works, and working or with iron or steel, not otherwise specified, when power driven machinery is used, together with their ac-

cessory and auxiliary plants working in or with by-products, and plants, generating power, light or heat, and tramways, private tracks and sidings.

(6) Stamped metal works, can factories, enamel iron works, and workings in or with sheet iron or tin plates, not otherwise specified, where power driven machinery is used, together with their accessory and auxiliary plants working in or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(7) Logging—Logging railroads and tramways, saw mills, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(8) Planing mills, wood pulp, cordage and paper mills, box factories, cooperage plants, furniture factories, woodenware or wood fibre ware manufactories, vehicle works of every kind, including their accessory and auxiliary plants working or with by-products, and plants generating power, light or heat, and tramways, private tracks and sidings.

(9) Glass houses of all kinds, including manufactories of tableware, bar goods, bottles, tumblers, glass light fixtures, parts, lamps, window and plate glass, potteries of all kinds, including tile, brick, terra cotta, fire clay, earthenware, porcelain, china and crockery-ware using automatic machinery together with accessory and auxiliary plants working or with by-products, and plants generating light or heat, and tramways, private tracks and sidings.

(9a) Glass houses of all kinds, including manufactures of tableware, bar goods, bottles, tumblers, gas light fixture parts, lamps, window and plate glass, potteries of all kinds, including tile, brick, terra, cotta, fire clay, earthenware, porcelain, china and crockeryware, not using automatic machinery, together with accessory and auxiliary plants working in or with by-products and plants generating power, light or heat, and tramways, private tracks and sidings.

(10) Printing plants of all kinds, electrotyping, photo-engraving, engraving, lithographing, embossing, bookbinding, and accessory and auxiliary lines of work and manufacture.

(11) Woolen mills, knitting mills, cotton mills, carpet and rug mills, clothing manufactories of every kind and working in or with textiles not otherwise specified.

(12) Breweries, bottling works, canneries of fruit, vegetables, oils, fish, milk or meat, manufactories of preserves, jellies, ketchup, sauces, relishes, pickles, flour and feed mills, bakeries, confectioneries, drug and extract manufactories, tobacco, cigar and stogie and cigarette manufactories, in which power driven machinery is used.

(13) Slaughter and packing houses, stock yards, soap, tallow, lard and grease manufactories, tanneries, artificial ice, and refrigerating and cold storage plants, creameries, and carbon black factories, in which power driven machinery is used.

(14) Steam laundries, dyeing and cleaning plants, stamping, embossing and working with leather, shoe and harness manufactories, mattresses and bedding factories, upholstering factories, manufacturers of rubber goods, and auxiliary and accessory lines of work and manufacture not otherwise specified.

(15) Steam and other railroads and transportation systems not otherwise specified.

(16) Street and interurban railways, whether propelled by electricity or other power.

(17) Telegraph and telephone plants and systems, electric light and power plants and systems, steam heat and power plants and systems, water works systems, gas works and systems, grain elevators and all lighting, heating or power systems not otherwise specified.

(18) Quarries, stone crushers, gravel pits, mines, other than coal mines, and working with asphalt, cement, stone or other building material not otherwise specified, power propelled ferries, sand diggers and other water craft.

(19) Such works, occupations and manufactories specified in the foregoing eighteen classifications as are operated without power-driven machinery.

(20) Match factories, powder mills, fire-works factories, and works in which articles of an explosive nature are mixed or manufactured.

(21) Constructing of tunnels, shafts, bridges, trestles, steeples, towers, grain elevators, tanks, water towers, wind mills, subaqueous works, iron or steel frame structures, or parts of structures, blast furnaces, smoke stacks, cupolas or chimney more than fifty feet high, water works and systems, electric lights and power plants and systems, gas works, systems, installation of steam boilers, engines and dynamos, steam railroads, logging railroads, street railways and systems, boat building with scaffolds, floating docks, engineering works, structural work on buildings over three stories in height, not otherwise specified, and drilling of wells.

(22) Construction and installation of sewers, fire escapes, freight or passenger elevators, advertising signs, ornamental metal work on or in buildings, metal ceilings, plate or window glass, electrical wiring, stairways, buildings which require galvanized iron or tin work, marble, stone or brick work, roof work, slate work, plumbing work, carpenter work, electric work, installing automatic sprinklers, electric or fire alarm system, heating or ventilating systems, or machinery not otherwise specified, covering steam pipes and boilers, road and street making, street or other grading and structural work not otherwise specified.

(23) Such works or occupations not specified in the foregoing classifications in connection with which employer and employes shall voluntarily apply to the commission for the benefit and protection of this Act.

And the board shall have the power, on or before the first day of January and July of each year, to re-classify the industries subject to this Act, or create additional classifications

in accordance with their respective degrees of hazard and determine the risk of different classes and fix the rate or premiums for each class, according to the risk of same, sufficiently large to provide an adequate fund for the compensation provided for in this Act, and to create a surplus sufficiently large to guarantee a workmen's compensation fund from year to year; provided that the rates so fixed shall not exceed the maximum of one dollar and twenty-five cents on each one hundred dollars of the gross annual pay roll of each employer in any class for the first year after this Act takes effect, but the board may increase the rate if deemed necessary on the first day of July or January in any year. But in determining the rate of premium the board shall consider the length of time during which payment to employes or dependents under the Act may be paid; and provided that employes engaged in the same industries shall be placed in the same class. The premium required to be paid by employers shall be based on the gross annual pay roll of each employer in any class. The classification so determined and the rates of premium established, shall be applicable for such year, or portion thereof; and provided further that for the purpose of this Act, the pay of any employe employed partly within and partly without the State shall be deemed to be such proportion of the total pay of said employe as his service within this State bears to his services outside the same.

§ 17. Every employer shall furnish the Board, upon request all the information required by it to carry out the purpose of this Act. The Board or any member thereof, or any person employed by the Board for that purpose shall have the right to examine under oath, any employer or officer, agent or employe thereof.

§ 18. Within thirty days from the organization of the Board, every employer subject to this Act, shall notify the commission of such fact. The Board shall prepare blank reports for the use of and furnish same, to employers subject

to this Act, and every employer receiving from the commission any blank, or blanks, with directions for filling out and returning same, shall return the same filled out, so as to answer fully and correctly all pertinent questions there propounded, and if unable to do so, shall give good and sufficient reason for such failure. Answers to such questions shall be verified under oath, and returned to the commission within the period fixed by the commission for such return.

§ 19. Every employer shall furnish the Board upon request all information required by it to carry out the purposes of this Act. In the month of January of each year, every employer subject to the Act shall prepare and mail to the Board at its main office in the City of Frankfort, Kentucky, a statement containing the following information, viz.: The number of employes employed during the preceding year from January 1st, to December 31st, inclusive; the number of such employes employed at each kind of employment and the aggregate amount of wages paid to such employes, which information shall be furnished on a blank or blanks to be furnished by the Board, and it shall be the duty of the Board to furnish such blanks to employers free of charge, upon request therefor. Every employer receiving from the board any blanks with directions to fill out same shall cause the same to be properly filled out so as to answer fully and correctly all pertinent questions therein propounded and to give all the information therein sought, or if unable to do so, he shall give to the Board, in writing, good and sufficient reasons for such failure. Any employer who shall fail or refuse to furnish to the Board the annual statement herein required, or who shall fail or refuse to furnish such other pertinent information as may be required by the Board, as provided by this section, shall be liable to a penalty of not exceeding five hundred dollars (\$500) to be collected in a civil action brought against said employer in the name of the State. All such penalties, when collected, shall be paid

into the workmen's compensation fund and become a part thereof.

§ 20. The information contained in the annual report provided for in the preceding section, and such other information as may be furnished to the Board by employers, in pursuance of the provisions of any section hereof, shall be for the exclusive use and information of said Board in the discharge of its official duties, and shall not be open to the public, nor be used in any court in the action or proceeding, but the information contained in said report may be tabulated and published by the department in statistical form for the use and information of other State departments and the public. Any person who shall divulge any information secured by him while a member of the Board or an employe thereof in respect to the transactions, property or business of any company, firm, corporation, person, association or co-partnership, to any person other than the members of the Board, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and shall thereafter be disqualified from holding any appointment or employment with the Board.

§ 21. The commission shall establish a workmen's compensation fund from the premiums paid thereto by the employers based on the pay rolls of such employers that have paid the premiums applicable to the class to which they belong, and for the benefit of the dependents of such employes, and shall adopt rules and regulations with respect in the collection, maintenance and disbursement of said fund, not in conflict with the provisions of this Act.

§ 22. The board shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the disbursements on account of injuries and deaths of employes thereof, and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the workmen's

compensation fund on account of injuries and death of the employes of such employers should any money remain to the credit of any class, at the end of any year, after disbursements on account of deaths of and injuries to employes of that class during such year, such remainder not exceeding ten per cent of the money paid into said fund on account of such class shall be set aside for the creation of a surplus, until the surplus shall be sufficiently large to guarantee a workmen's compensation fund for such class. But claims for the benefits under this Act shall always have priority over the surplus fund.

§ 23. On the first day of July, 1915, and semi-annually thereafter, a readjustment of the rates shall be made for each of the several classes of occupation or industry, which in the judgment of the Board, have developed an average less ratio in accordance with the experience of the Board in the administration of law, as shown by the accounts kept, as provided herein.

§ 24. The Treasurer of the State shall be the custodian of the workmen's compensation fund, and in all disbursements therefrom shall be paid by him upon vouchers furnished the Workmen's Compensation Board, and signed by any two members of the Board, or such vouchers may bear the facsimile of the Board members printed thereon, and the signature of the Secretary of said Board.

§ 25. The State Treasurer shall give a separate and additional bond, in such amount as may be fixed by the Governor with sureties to be approved by him, conditioned on the faithful performance of his duties as custodian of the workmen's compensation fund.

§ 26. The State Treasurer is hereby authorized to deposit any portion of the workmen's compensation fund, not needed for immediate use, in the same manner and subject to all provisions of law with respect to the deposit of State funds by such Treasurer, and all interest earned by such portion of

the workmen's compensation fund as may be deposited by the said Treasurer, in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.

§ 27. The workmen's compensation Board shall have the power to invest any surplus or reserve belonging to the workmen's compensation fund, in bonds of the United States, State of Kentucky, or of any county, city, school district or taxing district of the State of Kentucky, at current market prices for such bonds, provided that such purchase be authorized by a resolution adopted by the Board and approved by the Governor.

§ 28. Every employer subject to this Act who shall elect to pay into said workmen's compensation fund and receive the benefit of this Act, shall, on or before the 1st day of January, 1915, and monthly thereafter in advance, and on or before the 10th day of each month beginning March 10th, 1915, pay into said workmen's compensation fund the amount of premiums so paid by each employer to be determined by the classification, rules and rates made and prepared by the Board, and a receipt or certificate, certifying that such payment has been made, shall immediately be mailed to such employer by the workmen's compensation Board, which receipt or certificate, attested by the seal of the Board shall be prima facie evidence of the payment of such premium.

§ 29. In order to create a fund available on the application of this Act as aforesaid on the first day of January, 1915, the payments for the months of January, February and March, 1915, inclusive shall be made on or before the first day of January, 1915, and be preliminarily based upon the pay roll of the operations of any three months between July, 1914, and January, 1915, to be selected by the said Board. If any employer be found to have overpaid for such three months, he may deduct such over payment from the first monthly payment made to the fund. If any employer be found to have underpaid for such three months, he shall pay the deficiency made by him

after the end of said three months. Every employer electing to pay into said workmen's compensation fund after January 1, 1915, shall pay into said fund three months in advance the amount of premium to be based preliminarily upon such employers's pay roll for the three months preceding the application; any over payment to be credited on his first monthly payment after the expiration of said three months and any underpayment to be made up by him upon his first monthly payment as hereinbefore provided with respect to employers who elect to pay in to said fund on or before January 1st, 1915; and the Board shall make proper rules and regulations to carry this provision into effect and for cases where the employer has had no pay roll preceding his application.

§ 30. It shall be lawful for any employe subject to this Act, including persons under twenty-one years of age to contract with any employer subject to this Act who elects to pay the premiums herein provided to be paid into said workmen's compensation fund, to accept the compensation provided to be paid to injured employes and dependents of those killed, and to accept the benefits conferred on employes by this Act, in lieu of any cause of action which he might have, if injured, or that his representative might have if he was thereafter killed through the negligence of such employer, or the negligence of his agents, servants, officers or employes, and to waive all causes of action against such employer conferred by the Constitution or Statutes of this State or by the common law for his injury or death, occurring through the negligence of the employer or his agents and such contract shall be binding upon the employer and upon the employe and upon his heirs, personal representatives and all persons claiming under or through him.

§ 31. Such a contract between an employe and his employer shall be conclusively presumed to have been made in every case where an employer has elected to pay into the workmen's compensation fund, if said employe shall continue

to work for said employer thereafter, with notice that the employer has elected to pay into said fund and the posting of printed or typewritten notices in conspicuous places about the employer's place of business at the time of the election of such employer to pay into the workmen's compensation fund that he has elected to pay into said workmen's compensation fund shall constitute sufficient notice to all such employer's employes then or thereafter employed of the fact that he has made such an election, and the continuance in the service of such employers shall be deemed a waiver by the employe of his rights of action, as aforesaid. Except as provided in Section 33.

§ 32. An employer subject to this Act, electing to pay into the workmen's compensation fund, the premiums provided for by this Act, shall not be liable to respond in damages at common law or by statute for the injury or death or loss of service of any employe occurring through the negligence of such employer, or his agent, servants, officers, or employes during any period of time in which such employer shall not be in default in the payment of such premiums. Provided, that the injured employe has remained in his service after notice is posted as provided in Section 31, that his employer has elected to pay into the workmen's compensation fund the premiums provided by this Act. The continuance in the service of such employer or accepting service after such notice shall have been posted, shall be deemed a waiver by the employe of his rights of action, as aforesaid. Except as in Section 33.

§ 33. An employe prior to receiving an injury may give notice to an employer who has elected to pay into said fund, that he will not accept the benefits of this Act and waive his right of action as herein provided. Such notice shall be in writing and served on the employer as provided by the Civil Code for the service of notices, and a copy thereof shall be mailed by the employe to the workmen's compensation board. If thereafter such employe shall be injured or killed while employed

by such employer who has elected to pay into the said workmen's compensation fund, and an action shall be instituted against such employer to recover damages for the injury or death of such employe, it shall be sufficient defense thereto and shall bar recovery if the injury of said employe was caused by or contributed to by the negligence of any other employe of said employer, or if the injury was due to any of the ordinary hazards, or risks of the employment, or if due to any defect in the tools, machinery, appliances, instrumentality or place of work, if the defect was known or could have been discovered by the injured employe by the exercise of ordinary care on his part, or was not known or could not have been discovered by the employer by the exercise of ordinary care in time to have prevented the injury, nor in any event, if the negligence of the injured employe contributed to such injuries. But nothing herein shall deprive such employer of any defense not herein mentioned. If the employer is not in fault in payment of premiums and a recovery shall be obtained against him in such action, the said Board shall pay on said judgment not exceeding a sum equal to the amount which the said injured employe or his dependents in case of death, would have been entitled to recover if he had elected to accept the benefit of this Act, and the employer shall receive credit on said payment for the payment made by the Board. Such employe, at any time after he has elected not to accept the benefits of this Act and waive his right of action, as in this Act provided, may withdraw such election and come under the provisions of this Act and accept its benefits and waive his right of action as herein provided, by giving written notice to his employer and to the Board; and shall thereafter occupy the same position as if he had originally elected to accept the benefits of this Act and waive his cause of action, provided, that such withdrawal of his election not to accept the benefits of this Act shall not affect claims for damages against his employer on account of injuries theretofore received; nor en-

titles such injured employe to be paid anything out of the workmen's compensation fund on account of such prior injury.

§ 34. The commission shall disburse the workmen's Compensation fund to such employes within the meaning of this Act of employers as have paid into such fund the premiums for the period in which the injury occurs, applicable to the class to which they belong that shall have received injuries in this State in the course of and resulting from their employment, or to the dependents, if any, of such employe, in case of his death, according to the provisions hereafter made.

§ 35. All employers subject to this Act who shall elect not to pay into the workmen's compensation fund the premiums provided by this Act, or having elected to pay shall be in default in the payment of same shall be liable to their employes within the meaning of this Act, for damages by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employes, and also to the personal representatives of such employe where death results from such injuries, and in any action by any such employe or personal representative thereof, such defendant shall not avail himself of the following defenses:

The defense of the fellow servant; the defense of the assumption of risk, or the defense of contributory negligence.

§ 36. The commission shall disburse and pay from the fund in addition to any such amounts as they may be entitled thereto hereafter, such amounts for medical, nurse and hospital services and medicine as it may deem proper, not, however, in any case to exceed the sum of \$100 in addition to such awards to such employes; payment to be made to the employer to the persons who may have furnished the services and supplies or to the persons who may have advanced payment for the same, as the commission shall deem proper. Provided, that in case any injured employe be entitled to, under contract connected with his employment, or otherwise, to hospital or

medical services without further charge to him, no payment shall be made out of the workmen's compensation fund for hospital or medical services.

§ 37. Notwithstanding anything hereinbefore or hereafter contained, no employe or dependent of any employe shall be entitled to receive any sum from the workmen's compensation fund on account of any injuries to or death of an employe caused by a self-inflicted injury, willful misconduct or intoxication of such employe. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe, the widow, widower, children or dependents of the employe shall have the privilege to take under this Act, or in lieu thereof, to have a cause of action against the employer as if this Act had not been enacted for such damages as may be sustained by such employe, his personal representative or dependent.

Provided, that if a suit is brought under this section, the right to participate in said workmen's compensation fund on account of such injury, shall be waived and void as to all persons, and if a claim is made for compensation from said workmen's compensation fund, all rights to sue the employer for damages for such injury shall be waived and void.

§ 38. In case death ensues from the injury received reasonable funeral expenses, not to exceed \$75.00, shall be paid from the fund to the personal representative to the employe, or to such other person as shall have advanced the same, in addition to such award to the employe's dependents.

§ 39. No benefits shall be allowed for one week after injury is received, except the disbursements provided for in Section 36.

§ 40. In case of temporary total disability the employe shall receive 50 per cent of his average weekly wages, so long as such disability is total, not to exceed a minimum of \$10.00 a week, and not less than a minimum of \$5.00 a week, unless the employe's weekly wages shall be less than \$5.00 a week

in which event, he shall receive compensation equal to his full wages, but in no case to continue for more than six years from the date of the injury, or to exceed \$3,000.00.

§ 41. In case of injury resulting in partial disability the employe shall receive 50 per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of \$10.00 a week or an aggregate sum of more than \$3,000.00. In cases including the following schedule, the disability in each case shall be deemed to continue for the period specified, and the compensation so paid for such injury shall be as specified herein, to-wit:

For the loss of a thumb, 50 per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, 50 per cent of the average weekly wages during thirty-five weeks.

For the loss of a second finger, 50 per cent of the average wages during thirty weeks.

For the loss of a fourth finger, commonly known as the little finger, 50 per cent of the average weekly wages during fifteen weeks.

The loss of the second, or distal phalange, or the thumb, shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third finger, or distal phalange, of any finger, shall be considered to be equal to the loss of one-third of such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the

amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpal bone (bone of palm) for the correspondence thumb, finger, or fingers above, add ten weeks to the number of weeks as above.

For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand 50 per cent of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, 50 per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, 50 per cent of the average weekly wages during ten weeks.

For the loss of the great toe, 50 per cent of the average weekly wages during 30 weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered equal to the loss of one-half toe.

For the loss of a foot, 50 per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, 50 per cent of the average weekly wages during two hundred weeks.

For the loss of an eye, 50 per cent of the average weekly wages during one hundred weeks.

The amounts specified in this clause are all subject to the limitations as to the maximum weekly amount payable as hereinbefore specified in this section.

§ 42. In case of permanent total disability the award shall be 50 per cent of the average weekly wages, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of Ten Dollars per week and not less than a minimum of \$5.00 per week, at the time of the

injury, in which event he shall receive compensation in an amount equal to his average weekly wages.

The loss of both hands or both arms, or both feet or both legs, or both eyes, or any two thereof, shall *prima facie* constitute total and permanent disability, to be compensated according to the provisions of this section.

§ 43. In case the injury causes death within the period of two years, the benefits shall be in the amount and to the persons following:

Sub-Section 1. If there are no dependents the disbursements from the workmen's compensation fund shall be limited to the expense provided for in sections 36 and 38. And the said Board shall have the sole right of action to recover from an employer who has elected to pay into said fund who is not in default in the payment of premiums for the death of an employe leaving no dependent caused by negligence of such employer or his employes or agents.

Sub-Section 2. If there are wholly dependent persons at the time of death, the payment shall be 60 per cent of the average weekly wages and to continue for the remainder of the period between the date of death and six years later after the date of the injury and not to exceed the maximum of \$3,000.00 nor less than the minimum of \$1,500.00.

Sub-Section 3. If there are partly dependent persons at the time of death, the payment shall be 50 per cent of the average weekly wages and to continue for all or such portion of the period of six years after the date of injury, as the Board in such case may determine, and not to amount to more than a maximum of \$3,000.

Sub-Section 4. The following persons shall be presumed to be wholly dependent for support on a deceased employe: (a) A wife upon a husband with whom she lives at the time of his death; (b) a child, or children under the age of sixteen years (or over sixteen years, physically or mentally incapacitated from earning) upon the parent with whom she is

living at the time of the death of such parent. In all other cases the question of dependency in whole or in part shall be determined in accordance with the facts in each particular case of such employe but no persons shall be considered as a dependent unless a member of the family of the deceased employe, or bears to him the relation of widower or widow, lineal descendant, ancestor or brother or sister. The word "child," as used in this act, shall include a posthumous child, and a child legally adopted prior to the injury.

§ 44. The benefits in case of death shall be paid to such one or more of the dependents of the deceased for the benefit of all of the dependents as may be determined by the Board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deems it proper, and shall operate to discharge all other claims therefor. The dependent or person to whom benefits are paid, shall apply the same to the use of the several beneficiaries thereof, according to their respective claims upon the decedent for support in compliance with the finding and direction of the Board.

In all cases of death where the dependents are a widow and one or more minor children, it shall be sufficient for the widow to make application to the Board on behalf of herself and minor children, and in cases where all of the dependents are minors, the application shall be made by the guardian of such minor dependent or dependents. The persons and classes of persons by this act specified shall be deemed to be the sole dependents of such employee and no other person, or class of persons shall receive any benefit from the fund hereby credited. And should any employee leave surviving him no such dependent, the amount that would be due and payable to his dependents, had any survived him, shall be paid, or credited to the workmen's compensation fund, to the credit of the class to which such employee belonged.

§ 45. The average weekly wages of the injured person at the time of the injury, shall be taken as the basis upon which to compute benefits.

§ 46. Whenever the Board shall find that an employe has been injured without fault on his part while in the course of his employment, through the negligence of the employer in the failure to discharge a non-delegable duty, the Board may require such employer to pay an additional premium into said workmen's compensation fund equal to an amount not exceeding ten per cent of the sum awarded by the Board to such injured employe or his dependents. Said premium shall be paid within thirty days after the order is made. Before making an order to pay such additional premium, the Board shall give ten days' notice in writing, to the employer, to show cause against the order.

§ 47. Whenever the Board shall find that an employe has received an injury in the course of his employment, through the fault of his employer in failing to comply with any statute for the protection of employes, the Board shall fix a day on which the employer may appear before the Board and show any cause he may have against said finding, or against the Board awarding the additional sum herein provided, ten days' notice in writing, shall be given the employer of the time and place of said hearing. If no sufficient cause is shown by the employer against the finding of the Board, it shall enter an order to that effect and the employer shall, within ninety days, pay into and for the benefit of the workmen's compensation fund a sum to be fixed by the Board in its order not to exceed an amount equal to 25 per cent of the amount awarded to the said injured employe, or his dependents, under Section 40 to 43 of this Act. Said payment shall be made by the employer in a lump sum.

§ 48. In case any minor employe who is illegally employed shall be injured or killed, in the course of his employment, his statutory guardian or his representative, if the infant is killed, may claim compensation under the terms of this

Act or as though this Act had not been passed. In the event claim is made for the injury or death of such infant or compensation from said workmen's compensation fund, the Board shall in addition to the sum awarded and payable from the workmen's compensation fund award an equal amount against the employer of said infant not to exceed the sum of \$2,000. The amount awarded against him shall be paid by the Board to the said infant or to his guardian, or representative if the infant is killed, in installments, or in a lump sum as the Board may determine as provided for the payment of awards from said workmen's compensation fund. Before any order is made, requiring an employer to pay any sum to the guardian or representative of such infant, under this section of the claim, to compensation under this Section notice of the time and place of the hearing of said claim by the Board, shall be given to the employer and the employer shall have the right to be heard and to introduce evidence on the question of his liability.

Provided, that a claim to compensation from said workmen's compensation fund by the guardian of the infant or his personal representative, if the infant is killed, shall be a waiver and bar of all rights of action on account of said injury to said infant, and the institution of an action by the guardian or representative of the infant, shall be a waiver of the right to compensation from said workmen's compensation fund.

§ 49. Should a further accident occur to an employee receiving periodical payments under this Act, for a temporary disability, or who has been previously the recipient of a lump sum payment under this Act, his future compensation shall be adjusted according to the other provisions of this Act with reference to the combined effect of his injuries and his past receipt of money, under this Act.

§ 50. The powers and jurisdiction of the Board over each and every case shall be continuing, and it may from time make such modifications or changes with respect to

former findings or orders with respect thereto, as in its opinion, may be justified.

§ 51. The Board, under special circumstances and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

§ 52. Compensation before payment shall be exempt from all claims of creditors and from any attachments, executions or lien, and shall be paid only to such persons as shall be entitled to take under this Act, and any assignment of such claim shall be void.

§ 53. The Board shall have full power and authority to hear and determine all questions within its jurisdiction and its decision thereon shall be final. Provided, however, in case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the complainant's right, then the claimant, within thirty days after notice of the final action of the Board, may file a petition against the Board in the circuit court of the county wherein the injury was inflicted, asserting his rights therein, to participate in said fund. In such action, the Commonwealth's Attorney and the County Attorney, in the circuit court, and the Attorney General in the Court of Appeals, if the case is appealed, shall represent the workmen's compensation board. Said action shall proceed as ordinary actions in the circuit court, and if the court shall find and adjudge that the plaintiff is entitled to participate in such fund, the board shall fix his compensation within the limits and under the rules prescribed in this Act. Such action shall have the same precedence on the trial dockets of the circuit court and the Court of Appeals, as election contest cases now have.

§ 54. The workmen's compensation board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make the investigation in such

manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this Act.

§ 55. A minor legally employed shall be deemed sui juris for the purpose of this Act, and no other person shall have any cause of action or right to compensation for an injury to such minor workmen or loss of service on account thereof, but in the event of the award of a lump sum of compensation to such minor employe, such sum shall be paid only to the legally appointed guardian of such minor.

§ 56. No agreement by an employe to waive his rights to compensation under this Act shall be valid. No agreement by an employe to pay any portion of the premium paid by his employer into the workmen's compensation fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employe entitled to the benefits of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00 for each such offense.

§ 57. Any employe claiming the right to receive compensation under this Act may be required by the Board or its chief medical examiner, to submit himself for medical examination at any time and from time to time at a place reasonably convenient for such employe, and as may be provided by the rules of the board. If such employe refuse to submit to any such examination or obstructs the same, his right to have his claim for compensation considered, if his claim be pending before the Board, or to receive any payments for compensation theretofore granted, shall be suspended during the period of such refusal or obstruction.

§ 58. All books, records and pay rolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the Board or any of its traveling auditors, inspectors, or assistants, for the purpose of ascer-

taining the correctness of the wage expenditure, the number of men employed and such other pertinent information as may be necessary for the uses and purposes of the board in its administration of the law. Refusal on the part of any employer to submit his books, records and pay rolls for the inspectors of any member of the board or traveling auditor, inspector or assistant presenting written authority from the board, shall subject such employer to a penalty of one hundred dollars (\$100) for each offense, to be collected by civil action in the name of the State and paid into the workmen's compensation fund to become a part thereof.

§ 59. Any employer who fraudulently misrepresents to the Board the amount of pay roll upon which the premium under this Act is based, shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the Board under this section shall be enforced in a civil action by the Board and all sums collected under this section shall be paid into the workmen's compensation fund.

§ 60. The provisions of this Act shall apply to employers and their employes engaged in intra-state and also in inter-state and foreign commerce for whom a rule or liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with the intra-state work may and shall be clearly separable and distinguishable from interstate or foreign commerce, and then only when such employer and any of his workmen working only in this State, with the approval of the board and as far as not forbidden by any act of Congress, voluntarily accept the provisions of this Act by filing written acceptances, which, when filed with and approved by the Board, shall subject the acceptors irrevocably to the provisions of this Act to all intents and purposes as if they had been originally included in its terms, during the period or periods for which the premiums herein provided

have been paid. Payment of premiums shall be on the basis of the pay roll of the workmen who accept, as aforesaid.

§ 61. Every employer shall keep a record of all injuries, fatal or otherwise, received by his employes in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the workmen's compensation board upon blanks to be procured from the board for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employe, and shall state the time, the nature and cause of injury and such other pertinent information as may be required by the Board. Any employer who refuses or neglects to make any report required by this section, shall be punished by a fine of not more than \$500.00 for each offense. An injured employe, if he is able so to do, and the attending physician, whether the injury results in the death of such employe or not, and within one week from the time of such injury or death, shall give written notice to the employer and the Board of such injury, stating the nature and extent thereof, the time and place of its occurrence, the name, address and occupation of such injured employe, and the names and addresses of the persons present at the time of the injury, so far as such names and addresses are known, or can be obtained. Any employes or physician failing or refusing to make report as by this section required, shall be punished by a fine not exceeding \$25.00. And the Board may in its discretion, if such injured employe, or his dependents are subsequently found to be entitled to any payments out of the compensation fund, deduct any amount, not exceeding said sum of \$25.00 from the benefits payable hereunder, or from the amount that might otherwise be paid to said attending physician, should such physician fail to make such report.

§ 62. Upon the request of the Board, the Attorney Gen-

eral, or under his directions, the County or Commonwealth Attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this Act, or for the recovery of any money due the workmen's compensation fund, or any penalty herein provided for, arising within the county in which he was elected and shall defend in like manner all suits, actions or proceedings brought against the Board or the members thereof in their official capacity.

§ 63. All judgments contained in any action prosecuted by the Board under the authority of this Act, shall have the same preference against the assets of the employer as it now or may be hereafter allowed by law on judgments rendered for claims for taxes.

§ 64. If any employer shall default in any payment required to be made by him to the workmen's compensation fund, the amount due by him shall be collected by civil action against him in the name of the Board as plaintiff. Such actions may be brought either in the Franklin Circuit Court or in the Circuit Court in the county in which the defendant resides or has his principal place of business.

§ 65. Annually on or before the 15th day of December such Board shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, a general statement of the cause of accident leading to the injuries for which the awards were made and detailed statement of the disbursements from the expense fund and the condition of its respective funds, together with any other information which the Board deems proper to call to the attention of the Governor, including any recommendations it may have to make, and it shall be the duty of the Board from time to time to publish and distribute among employers and employes such general information as to the business transacted by the department as in its judgment may be useful.

§ 66. The Board shall cause to be printed in proper form for distribution to the public, its classifications, rates, regulations and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such classifications, rates, rules, regulations and rules of procedure are printed ready for distribution to all who may apply for same, shall be sufficient publication of the same, as required by this Act.

§ 67. If any employer shall be adjudged to be outside the lawful scope of this Act, the Act shall not apply to him or his employes; or if the employe shall be adjudicated to be outside the lawful scope of this Act, because of the remoteness of his work from the hazard of his employer's work, such adjudication shall not impair the validity of this Act in other respects, and every such case as accounting, according with the justice of the case, shall be had of the moneys received. If the provisions of this Act for the creation of the fund or the provision of the Act authorizing employes to waive causes of action against employers for injuries received in the course of their employment and making the compensation to the employes and their beneficiaries provided in this Act exclusive of any other remedy on the part of the employe, shall be held invalid, the entire Act shall thereby be invalidated and an accounting according to the justice of the case shall be had of money received. In other respects an adjudication of the invalidity of any part of this Act shall not affect the validity of this Act as a whole or any part thereof.

§ 68. If a single establishment or works comprises several occupations listed in Section 16 in different risk classes the premiums shall be computed according to the pay roll of each occupation if the occupations are clearly separable; otherwise an average rate of premium shall be charged for the entire establishment taking into consideration the number of employes and the relative hazards of the employes in the several occupations.

§ 69. If the employe of an employer who has elected to accept the provisions of this Act, is injured by the negligence or wrong of another person not in the same employemnt the injured employe, or if death resulted from the injury, his dependents, as the case may be, shall elect whether to take under act or seek a remedy against such other persons, such election to be in advance of instituting any suit; and, if he take under this Act, the cause of action against such other person shall be and is hereby assigned to the Board for the benefit of the compensation fund; if the other choice is made, the compensation fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the amount of compensation provided by this Act for such case.

If such injury is due to the joint negligence of his employer and any other person not in the same employment, and the injured employe, or in case of death resulting from the injury, his dependents as the case may be shall have elected to take compensation under this Act, the causes of action against the other joint tort feasor shall be and is hereby assigned to the Board for the benefit of the compensation fund.

Any cause of action, so assigned to the Board, may be prosecuted or compromised, in the discretion of the Board. Any compromise by the injured employe or his dependent, in case of death, or any such suit, which would leave a deficiency to be made good out of the compensation fund, shall be made only with the written approval of the Board.

§ 70. This Act shall not affect any action pending or cause of action existing on the 31st day of December, 1914.

§ 71. A sum sufficient to carry out the provisions of this Act is hereby appropriated out of any money in the treasury not otherwise appropriated.

§ 72. Notwithstanding anything in this Act, any employer filing notice with the Workmen's Compensation Board, of his intention so to do, and upon furnishing satisfactory

proof to said Board of his solvency and financial ability to pay the compensation and benefits herein before provided, may make said payments direct to his employes as they may be entitled to receive same under the terms and conditions of this Act, and any employer electing to administer the compensation fund direct to his employes shall have the benefit of all the provisions of this Act as though said fund were paid into and administered by said Board.

§ 73. Nothing in this Act shall prevent any employer carrying his own risk from insuring his liability in any liability company authorized to do business in this State, provided the amounts to be paid are not less than that provided in this Act.

§ 74. In case any employer carrying his own risk cannot agree with an employe on the payments as provided for in this Act, such employe shall have the right to submit his claim in writing within sixty days to the Workmen's Compensation Board, and it shall be the duty of the Board to delegate one of its members to investigate said claim and endeavor under the provisions of this Act to reach a satisfactory settlement of the claim. In event the final action of the member of the Board denies the right of the claimant to participate in the fund as provided in Section 53, then the claimant may proceed as provided in Section 53, and compensation, if awarded the claimant, shall be fixed as provided in section 53, and in the event the employer feels that the award should not have been granted, he shall have the right of appeal to the circuit court and from the circuit court as in other cases.

§ 75. The application of this Act, as between employers and employe, shall date from and include the first day of January, 1913.

§ 76. Every employer subject to this Act who shall on or before November 1, 1904, elect not to pay into said workmen's compensation fund and receive the benefits, hereof, shall on or before the first day of November, 1914, so notify

the Board in writing, and any such employer not so notifying the Board shall on or before January 1st, 1915, pay into the fund the premiums as provided in Section 28, hereof. Employers who elect to accept the benefits hereof, and pay into said workmen's compensation fund, may at the time fixed for making any such payment, withdraw from the benefits hereof, and hereafter be relieved from further payments, but notice of such withdrawal shall be served on the Board and posted by written or printed notices in at least three conspicuous places about his plant. Such employer may, however, at any time thereafter again elect to come under the provisions hereof by making payment of premium and posting notices as originally required. If any employes of an employer not entitled to the benefits hereof, or the dependents of such employe in case of his death, shall make application to the Board for benefits hereunder, it shall be the duty of the Board to at once notify such employe, or his dependents of the fact that such employer is not entitled to the benefits of this Act.

§ 77. Applications for benefits hereunder shall be made by the injured employe or his dependents, within one year from the time of the injury, and if not so made within said time, shall thereafter be barred and not allowed by the Board.

Mr. Glenn moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Robert H. Scott moved that upon the convening of the evening session at 7:30 p. m. Senate Bill No. 11, now under consideration, be taken up for further consideration as unfinished business.

Said motion was agreed to.

Mr. Speer moved that the Senate do now adjourn.

Said motion was agreed to.

EVENING SESSION.

At 7:30 o'clock the Senate reconvened.

The Senate took up for further consideration Senate Bill No. 11.

The Special Committee, to which said bill had been referred, proposed the following amendments, to the substitute proposed by the Committee on Immigration, Labor and Manufacturing, viz.:

Amend substitute for Senate Bill No. 11, by striking out Section 1, in its entirety, and substituting therefor the following:

Section 1. "That a Board of Commissioners is hereby created to be known as 'The Workmen's Compensation Board,' to administer the funds for the compensation of injured workmen, and the dependents of killed workmen, as herein provided. Said board shall consist of three members who shall be the Attorney General, the Commissioner of Insurance and the Commissioner of Agriculture, Labor and Statistics of the Commonwealth of Kentucky, who shall receive seventy-five (\$75) dollars each per month, payable out of the Compensation Fund."

Amend Section 2, line four, by striking out the words "State Treasury," and substituting in lieu thereof the words "Workmen's Compensation Fund, created under this Act."

Amend Section 3, by striking out Section 3 in its entirety, and substituting therefor the following:

"Section 3. The board shall elect one of its members

President, and members shall receive the amount named in Section one for their services. Their actual and necessary traveling expenses in the discharge of their duties shall be itemized and approved by the board, and certified to the Auditor of Public Accounts, and shall be paid as now paid to other State officials. The board shall elect a secretary, who shall hold his office at the pleasure of the board, and who shall receive for his services an annual salary not to exceed twenty-five hundred (\$2,500) dollars, to be paid out of the Workmen's Compensation Fund created under this Act."

Amend substitute for Senate Bill 11, Section four, lines four and eight, by striking out the words "State Treasury" and substituting therefor the words, "Workmen's Compensation Fund, created under this Act."

Amend Section 4, line five, by striking out the words "members of the board."

Amend Section 5 by striking out Section 5 in its entirety.

Amend Section 11, lines six and ten, by striking out the words "State Treasury" and substituting therefor the words, "Workmen's Compensation Fund."

Amend Section 22, line four, by inserting after the word "thereof" the words "and the disbursements for salaries and expenses."

Amend Section 22, by striking therefrom after the word "employer" in line five the remainder of the Section.

Amend Section 36, line 2, by striking therefrom the word "hereafter" and substituting therefor the words "under this Act."

Amend Section 71 by striking out Section 71 in its entirety.

Amend Substitute Senate Bill No. 11 by striking out all of Section six, and inserting in lieu thereof the following:

"The said board shall meet every Monday for the transaction of all business and when necessary the secretary shall

call said board together to consider and transact such business as may be before it.”

Amend Section Eleven by striking out the words: “State Treasury” wherever the same occur in said section, and inserting in lieu thereof the words: “Workmen’s Compensation Fund.”

Amend substitute for Senate Bill 11, Section 40, by striking from the third line, the sixth word, “minimum,” and substituting therefor the word “maximum.”

Amend Section 41 by adding thereto the following words: “For loss of third finger, fifty per cent of average weekly wages during twenty weeks.”

Amend Section 41 by striking therefrom the word “finger,” the sixth word in the twentieth line.

Amend Section 75 by striking therefrom the figures “1913” at the end of line two, and substituting therefor the figures “1915.”

Amend Section 76, by striking therefrom the figures “1904,” in line two, and substituting therefor the figures “1914.”

Amend Section 76, by striking therefrom the eighth word in the ninth line, “hereafter” and substituting therefor the word “thereafter.”

Amend Section forty, line 3, by striking out the words: “Ten (\$10) dollars,” and inserting in lieu thereof the words, “Twelve (\$12) dollars.”

And by striking out in line seven, the words “Three thousand (\$3,000) dollars,” and inserting in lieu thereof the words, “Three thousand seven hundred and fifty (\$3,750) dollars.”

Amend section 40, in third line, by striking out the words “ten (\$10) dollars,” and inserting in lieu thereof the words “Twelve (\$12) dollars.”

Amend Section 41, in line three, by striking out the

words, "Ten dollars (\$10)," and inserting in lieu thereof the words "Twelve (\$12) dollars."

Amend line four of said section by striking out the words "Three thousand seven hundred and fifty (\$3,750) dollars," and inserting in lieu thereof the words: "Four thousand (\$4,000) dollars."

Amend Section 43, Sub-section 3, line 19, by striking out the words "Three thousand (\$3,000) dollars," and inserting in lieu thereof the words "Three thousand seven hundred and fifty (\$3,750) dollars."

Amend Section 42, by striking out the word "ten," and inserting in lieu thereof the word "twelve."

Amend Section 43, Sub-section 2, line 4, by striking out these words: "Three thousand (\$3,000) dollars," and inserting in lieu thereof these words: "Three thousand seven hundred and fifty (3,750) dollars."

Amend Section 43, Sub-section 3, by striking out the words, "three thousand (\$3,000) dollars," and inserting in lieu thereof the words: "Three thousand seven hundred and fifty (\$3,750) dollars."

Said amendments were agreed to.

Mr. Brock proposed the following amendments to said substitute, viz.:

Amend by striking out Section 4.

Amend Section 34 by adding the following:

Provided, that any injured employee shall, in addition to the amount allowed him by the board, be paid by the employer an amount equal to one-half of his allowance made by the said board, and said amount shall be due and payable on and after thirty days from the date of allowance by said board.

Said amendments were disagreed to.

Mr. Brock proposed the following amendments, viz.:

Amend Section 40, line 3, by striking out the figures "\$10.00," and inserting in lieu thereof the figures "\$20.00" and by changing the word "six," in line 6 of Section 40, to "ten," and by striking the figures "\$3,000.00" from line 7 and inserting in lieu thereof the figures "\$5,000.00."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Brock and Welch were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Hite Huffaker	G. G. Speer
Charles Arnett	C. F. Montgomery	W. F. Welch
Hiram M. Brock	Sam L. Robertson	J. R. Zimmerman
John F. Ford	M. O. Scott	—11

Those voting in the negative were—

Joe F. Bosworth	C. Holman	J. F. Porter
J. Will Clay	Chas. H. Knight	Robert H. Scott
Nim R. Cobern	S. L. Marshall	Mitchell Vincent
Seldon R. Glenn	W. B. Moody	J. H. Williams
Webster Helm	T. J. Moore	
J. B. Hiles	H. G. Overstreet	—16

Mr. Brock proposed the following amendment, viz.:

Amend by striking out Section 53.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Brock and Welch, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	John F. Ford	Mitchell Vincent
Charles Arnett	Sam L. Robertson	W. F. Welch
Hiram M. Brock	G. G. Speer	J. R. Zimmerman
		—9

Those voting in the negative were—

Joe F. Bosworth	J. B. Hiles	H. G. Overstreet
J. Will Clay	C. Holman	J. F. Porter
Nim R. Cobern	Chas. H. Knight	R. M. Salmon
John H. Durham	S. L. Marshall	Robert H. Scott
W. A. Frost	W. B. Moody	J. H. Williams
Webster Helm	T. J. Moore	—17

Mr. Brock proposed the following amendment, viz.:

Amend by striking from Section 35, lines 8 and 9, the words, “where death results from such injuries.”

Said amendment was agreed to.

Mr. Booles moved that the Senate do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hiles and R. H. Scott, were as follows, viz.:

Those voting in the affirmative were—

W. W. Booles	Hite Huffaker	W. F. Welch
Hiram M. Brock	G. G. Speer	—5

Those voting in the negative were—

Robert Antle	Seldon R. Glenn	R. M. Salmon
Charles Arnett	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
J. Will Clay	C. Holman	Mitchell Vincent
Nim R. Cobern	S. L. Marshall	J. H. Williams
John H. Durham	C. F. Montgomery	J. R. Zimmerman
John F. Ford	W. B. Moody	
W. A. Frost	T. J. Moore	

—22

Mr. Williams moved that the substitute, as amended, be adopted for the original bill.

Said motion was agreed to.

Mr. Glenn moved the previous question.

The President then announced: "Shall the main question be now put?"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Robertson and Speer, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	Webster Helm	T. J. Moore
J. Will Clay	J. B. Hiles	R. M. Salmon
Nim R. Cobern	C. Holman	Dr. H. G. Sanders
John H. Durham	S. L. Marshall	J. H. Williams
W. A. Frost	C. F. Montgomery	
Seldon R. Glenn	W. B. Moody	

—16

Those voting in the negative were—

Robert Antle	Hite Huffaker	G. G. Speer
W. W. Booles	Chas. H. Knight	Mitchell Vincent
Hiram M. Brock	Sam L. Robertson	W. F. Welch
John F. Ford	Robert H. Scott	J. R. Zimmerman
—12		

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the constitution, were as follows, viz.:

Those voting in the affirmative were—

Joe F. Bosworth	Webster Helm	Sam L. Robertson
J. Will Clay	J. B. Hiles	R. M. Salmon
Nim R. Cobern	C. Holman	Dr. H. G. Sanders
John H. Durham	Chas. H. Knight	Robert H. Scott
W. A. Frost	S. L. Marshall	J. H. Williams
Seldon R. Glenn	W. B. Moody	J. R. Zimmerman
Walker C. Hall	T. J. Moore	—20

Those voting in the negative were—

Robert Antle	Hiram M. Brock	C. F. Montgomery
Charles Arnett	John F. Ford	M. O. Scott
W. W. Booles	Hite Huffaker	W. F. Welch
—9		

Resolved, That the title of said bill be as aforesaid.

Mr. Williams moved to reconsider the vote by which the

Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Arnett moved that the rules be suspended and the Senate take up for consideration Senate Bill 246 from the orders of the day and place same upon its passage.

Said motion was agreed to.

Mr. Moore moved that the Senate adjourn as soon as matter under consideration is disposed of.

Said motion was agreed to.

Mr. Montgomery moved to amend said motion that the Senate adjourn after matter under consideration was disposed of and House Bill No. 35 be read into the Calendar.

Said motion was disagreed to.

Mr. Knight moved that the Senate do now adjourn.

Said motion was disagreed to.

Mr. Brock moved to amend said motion that the Rules Committee be allowed to read all bills into the calendar.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Robertson and Huffaker, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	J. B. Hiles	Robert H. Scott
Hiram M. Brock	S. L. Marshall	Mitchell Vincent
John F. Ford	C. F. Montgomery	W. F. Welch
W. A. Frost	R. M. Salmon	J. H. Williams
Seldon R. Glenn	M. O. Scott	J. R. Zimmerman
—15		

Those who voted in the negative were—

Robert Antle	Walker C. Hall	T. J. Moore
W. W. Booles	Webster Helm	Sam L. Robertson
Joe F. Bosworth	C. Holman	Dr. H. G. Sanders
J. Will Clay	Hite Huffaker	G. G. Speer
Nim R. Cobern	Chas. H. Knight	
John H. Durham	W. B. Moody	—16

The Senate then took up for consideration said bill entitled:

S. B. 246. An Act to amend Section 965, of Subdivision 1, of Article 2, of Chapter 35, of the Kentucky Statutes (Carroll's Edition 1909), and the amendment to said Act, which became a law March 14, 1912, in so far as said section and amendment applies to the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-Third Judicial District.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 965 of the Kentucky Statutes relating to Circuit Courts and the amendment thereto which became a law March 14, 1912, be and the same is hereby amended so far as said section and said amendment thereto applies to the

time of holding Circuit Courts in the Twenty-third Judicial District, so that said section shall as to the Twenty-third District, read as follows:

TWENTY-THIRD DISTRICT.

Breathitt county, at Jackson, on the first Mondays in January, April, July and October, twenty-four juridical days each.

Lee county, at Beattyville, on the first Mondays in February and May and the second Monday in November, eighteen juridical days each.

Wolfe county, at Campton, on the fourth Mondays in February and May and the third Monday in September, twelve juridical days each.

Estill county, at Irvine, on the third Mondays in March and June and first Monday in December, twelve juridical days each.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Nim R. Cobern	Webster Helm
Charles Arnett	John H. Durham	J. B. Hiles
W. W. Booles	John A. Ford	C. Holman
Joe F. Bosworth	W. A. Frost	Hite Huffaker
Hiram M. Brock	Seldon R. Glenn	Chas. H. Knight
J. Will Clay	Walker C. Hall	S. L. Marshall

C. F. Montgomery	Dr. H. G. Sanders	W. F. Welch
W. B. Moody	M. O. Scott	J. H. Williams
T. J. Moore	Robert H. Scott	J. R. Zimmerman
Sam L. Robertson	G. G. Speer	
R. M. Salmon	Mitchell Vincent	—31

Resolved, That the title of said bill be as aforesaid.

Mr. Williams moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that it had passed bills, which originated in the House, of the following titles, viz.:

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relating to the inspection thereof, providing for penalties for violations of the provisions of this Act.

H. B. 307. An Act prohibiting the superintendents of public schools, principals and supervisors of teachers, who receive compensation for such services out of the Public School Fund, from acting as sales-agent, either directly or indirectly, for any school book publishing house qualified to sell school text books in the State of Kentucky.

H. B. 381. An Act establishing a State Athletic Board of Control.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and sections 4501 to 4503, inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition

of 1909, relating to the examination and qualification of teachers, &c.

H. B. 410. An Act providing for the expression of the popular will for party nominations of President and Vice-President of the United States providing for the nomination of Presidential electors, election of delegates and alternates to the National Conventions, and the election of National Committeemen therefor, and amending Section 3 of Chapter 7 of an Act of the General Assembly of 1912, entitled, "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballot to be voted for at general elections, and providing penalties for the violation thereof, in so far as it relates to the holding of primary elections in the years when Presidents and Vice Presidents are elected."

H. B. 443. An Act to prohibit the setting of steel traps, dead falls, snares or other trap or device on the land of another without permission of owner and fixing a penalty for the violation thereof.

H. B. 79. An Act fixing the time of holding the election of school trustees throughout the Commonwealth.

H. B. 310. An Act permitting proprietors of repair shops to sell articles upon which the charges have not been paid.

H. B. 329. An Act to amend that part of an Act entitled: "An Act for the government of cities of the first class," which Act relates to revenue and taxation.

H. B. 479. An Act to furnish protection and means of escape from fire in buildings.

H. B. 524. A bill to provide for the election of alumni trustees for State University, Lexington, Kentucky, and for the appointment of such alumni members on the Executive Committee of the University.

H. B. 542. An Act to regulate the liability of Common Carriers in the carrying of live stock in this State.

H. B. 553. An Act to amend Section 702 of the Kentucky Statutes, so as to further regulate assessment of co-operative fire insurance companies.

H. B. 509. An Act to regulate and publish the collection of special school tax in counties where such tax is collected.

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled "An Act to provide for the organization, armament, equipment, discipline and government of the militia."

H. B. 552. An Act appropriating money for the proper care of the State Capitol Grounds and Governor's Mansion.

H. B. 38. An Act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

Said bills were ordered printed and referred to the Committee on Rules.

Mr. Salmon moved that the Senate do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon, by Messrs. Hiles and Welch, were as follows, viz.:

Those who voted in the affirmative were—

W. W. Booles	John H. Durham	Sam L. Robertson
Joe F. Bosworth	Webster Helm	Dr. H. G. Sanders
J. Will Clay	C. Holman	
Nim R. Cobern	Hite Huffaker	—10

Those who voted in the negative were—

Robert Antle	J. B. Hiles	M. O. Scott
Charles Arnett	S. L. Marshall	Robert H. Scott
Hiram M. Brock	C. F. Montgomery	G. G. Speer
John F. Ford	W. B. Moody	Mitchell Vincent
W. A. Frost	T. J. Moore	W. F. Welch
Seldon R. Glenn	R. M. Salmon	J. R. Zimmerman
		—18

A message was received from the House of Representatives announcing that it had passed bills, which originated in that body, of the following titles, viz.:

H. B. 559. An Act declaring certain public roads a system of public highways and public works of the State of Kentucky.

H. B. 583. An Act providing transportation for County Road Engineer and Committees of Fiscal Court, and making Automobile trucks a part of road equipment.

H. B. 384. An Act relating to crimes and punishment and for the protection of girls under sixteen years of age.

Said bills were ordered printed and referred to the Committee on Rules.

Mr. Booles moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

SATURDAY, MARCH 14, 1914.

The Senate was opened with prayer by the Rev. M. B. Adams, President of the Georgetown College.

On motion of Mr. Tunis, the reading of the Journal was dispensed with, and the Journal approved.

A message was received from the Governor, by his private secretary, announcing that he had approved and signed a bill which originated in the Senate of the following title, viz.:

S. B. 104. An Act to further regulate appeals to the Court of Appeals.

A further message was received from the Governor, by his Private Secretary, in writing, as follows, viz.:

March 14, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate, will appoint the following Notaries Public for their respective counties in Kentucky:

Anderson, J. G., Wayne, Denney, Ky.

Arvin, Emart, Oldham, West Port, Ky.

Bailey, Wallis, Magoffin, Salyersville, Ky.

Benshouse, Miss M., Jefferson, Louisville, Ky.
 Bentler, L. A., Kenton, Erlanger, Ky.
 Book, Sterling H., Henderson, Robards, Ky.
 Boomer, George O., Jefferson, Louisville, Ky.
 Breckinridge, Mrs. Douglas W., Boyle, Danville, Ky.
 Brouse, J. P. W., Pulaski, Somerset, Ky.
 Burch, H. L., McCreary, Stearns, Ky.
 Bowling, Atison T., Laurel, McWhorter, Ky.
 Caldwell, F. P., Jefferson, Louisville, Ky.
 Campbell, L. C., Perry, Hazard, Ky.
 Cassel, James R., Martin, Job, Ky.
 Cooper, John P., Greenup, Greenup, Ky.
 Cooper, C. F., Carter, Olive Hill, Ky.
 Crawford, R. S., Fayette, Lexington, Ky.
 Dingus, William, Floyd Prestonsburg, Ky.
 Early, J. M., Madison, Berea, Ky.
 Edmunds, J. T., Christian, Hopkinsville, Ky.
 Fullerton, El. F., Greenup, Greenup, Ky.
 Gans, Jno. W., Jefferson, Louisville, Ky.
 Gray, R. N., Jefferson, Louisville, Ky.
 Gray, Henry S., Jefferson, Louisville, Ky.
 Gray, R. H., Kenton, Covington, Ky.
 Hart, J. H., Henderson, Henderson, Ky.
 Henry, A. M., Christian, Newstead, Ky.
 Hines, W. T., Warren, Bowling Green, Ky.
 Hopper, Wm., Jr., Knox, Hopper, Ky.
 Howard, Clem S., Boyd, Ashland, Ky.
 Howard, Wm. O., Magoffin, Salyersville, Ky.
 Kinnaird, W. J., Bell, Middlesboro, Ky.
 Kitchen, J. M., Greenup, Asgillite, Ky.
 Landers, Estill O., Carter, Grayson, Ky.
 Lewis, R. D., Boyle, Danville, Ky.
 Maynard, W. H., Martin, Warfield, Ky.
 Parsons, J. M., Bell, Calloway, Ky.
 Pearey, D. Z., Jefferson, Louisville, Ky.
 Randle, S. T., McCracken, Paducah, Ky.

Riley, Miss B. M., Kenton, Covington, Ky.
Ryan, Mark, Jefferson, Louisville, Ky.
Sachs, D. A., Jr., Henry, Eminence, Ky.
Shield, C. H., Jefferson, Louisville, Ky.
Stamper, S. P., Lee, Beattyville, Ky.
Stricklett, A. E., Kenton, Covington, Ky.
Terry, Parker S., Jefferson, Louisville, Ky.
Thompson, Phil B., Jefferson, Louisville, Ky.
Townsend, Arthur B., Webster, Dixon, Ky.
Trater, Frank, Carter, Grayson, Ky.
Turney, R. P., Trigg, Cerulean, Ky.
Waugh, John M., Carter, Grayson, Ky.
Whitt, W. Scott, Pike, Hardy, Ky.

Respectfully,

JAMES B. McCREARY,

Governor of Kentucky.

Mr. Hiles moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that it had passed bills and adopted a joint resolution of the following titles, viz:.

H. B. 47. An Act to change the Court Calendar of the Thirteenth Judicial District.

H. B. 138. An Act to amend Section 4383, Chapter 113 of the Kentucky Statutes, Carroll's Edition, so as to add the elements of agriculture and domestic science to the course of study prescribed for the common schools.

H. B. 193. An Act relating to stub books used in regular primary elections.

H. B. 355. An Act amending Section 839, Subsection 4, Article 5, Chapter 32, of the Kentucky Statutes, Carroll's Edition 1909, relating to condemnation of land.

H. B. 400. An Act to amend Section 1, Subdivision 4, Article 12, Chapter 22, of Acts of the General Assembly of 1906, being "An Act relating to revenue and taxation," which same is now Section 4224 of the Kentucky Statutes.

H. B. 406. An Act to regulate liability of common carriers upon intra-state shipments.

H. B. 53. An Act to postpone date of payment of taxes.

H. B. 513. An Act to amend Section 577, Kentucky Statutes, relating to banks and banking.

H. B. 634. An Act to provide separate trustees for white and colored children.

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay to A. E. Barrett the sum of \$253.80 for teaching.

Said bills and resolution were ordered printed and referred to the Committee on Rules.

Mr. Frost, of the Committee on Rules, called from the Committee on Game, Fish and Forestry, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 368. An Act to allow the use of hoop-nets in the navigable rivers of Kentucky.

Mr. Frost, of the Committee on Rules, called from the

Committee on Common Carriers and Commerce a bill which originated in the House of Representatives of the following title, viz.:

H. B. 29. An Act to abolish the fellow servant rule of law in this State.

Mr. Frost, of the Committee on Rules, called from the Committee on Municipalities, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 77. An Act to amend an Act entitled "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," which was approved March 19th, 1894, and thereafter in due course became a law and as since has been amended, all of which said act and amendments now appear in Article 5, of Chapter 89, of the Kentucky Statutes, John D. Carroll's Edition thereof, in 1909, whereby cities of the fourth class may go under the commission form of government.

Mr. Frost, of the Committee on Rules, called from the Committee on Judicial Districts and Reapportionment a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 320. An Act changing the times for the sessions of Circuit Courts of the Fourteenth Judicial District.

Mr. Frost, of the Committee on Rules, called from the Committee on Game, Fish and Forestry, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 189. An Act to repeal an Act entitled "An Act relating to weights, measures and balances, and the appoint-

ment of an inspector of weights and measures for counties," being Chapter 90, Acts of 1910.

Mr. Frost, of the Committee on Rules, called from the Committee on Constitutional Amendments a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 424. An Act to amend the Constitution of the Commonwealth of Kentucky.

Mr. Frost, of the Committee on Rules, to which had been referred bills which originated in the House of Representatives of the following titles, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

H. B. 421. An Act to repeal and re-enact Section 4281a

H. B. 1. An Act empowering Board of Trustees of all common graded schools, created by the vote of the people, to levy and collect an annual tax for the maintenance, operating and support of the graded schools in their respective districts.

H. B. 241. An Act requiring counties to furnish their own veterinary surgeons.

H. B. 459. An Act to amend an act entitled "An Act to amend Chapter 113, Article VIa, Carroll's Kentucky Statutes, 1909, Districts, Trustees, Teachers, Taxation," approved March 11th, 1912.

H. B. 130. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

H. B. 278. An Act authorizing the granting of license to certain graduates of medical schools without a State Board examination.

H. B. 153. An Act to enjoin and abate houses of lewdness, assignation and prostitution, etc., and to enjoin the person or persons who conduct or maintain the same.

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

H. B. 358. An Act to regulate the tax on inheritances and to amend Sections 4281j and 4281m, Kentucky Statutes, Carroll's 1909 Edition.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503 inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers, etc.

H. B. 384. An Act relating to crimes and punishments and for the protection of girls under sixteen years of age.

H. B. 559. An Act declaring certain public roads a system of public State highways and public works of the State of Kentucky.

H. B. 307. An Act prohibiting superintendents of public schools, principals or supervisors or teachers, who receive compensation for such services out of the public school fund, from acting as sales agent, either directly or indirectly,

for any school book publishing house qualified to sell school text books in the State of Kentucky.

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

H. B. 109. An Act to amend an Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22nd, 1904.

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol grounds and Governor's Mansion.

H. B. 444. An Act to amend Section No. 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

H. B. 261. An Act to repeal, revise and re-enact Sections 6, 8 and 9 of Primary Election Law so that candidates will not be required to secure signatures of electors to petitions in order to get on ballot.

H. B. 297. An Act to repeal Section 1379 of Kentucky Statutes of 1909, relating to the working of prisoners on public works and roads and to substitute therefor.

H. B. 14. An Act to regulate the sale, barter or loan of

spirituous, malt, vinous or other alcoholic liquids that produce drunkenness.

H. B. 23. An Act to repeal Chapter 10, Acts of 1906, approved March 1, 1906, and to provide for a dog tax.

H. B. 75. An Act prescribing manner of payment of wages by corporations.

H. B. 138. An Act to amend Section 4383, Chapter 113, of the Kentucky Statutes, Carroll's Edition, so as to add the elements of Agriculture and Domestic Science to the Course of Study prescribed for the common schools.

H. B. 411. An Act to prevent the employment of private guards and gun-men and fixing the penalty for so doing, as well as preventing any one from acting in the capacity of guard or gun-men and fixing the penalty for so acting.

H. Res. 35. Resolution to authorize Thos. C. Holloway, late Major in the Kentucky Medical Corps of the Kentucky State Guard to sue the Commonwealth of Kentucky, in the Franklin Circuit Court for the balance due him for services rendered to two members of the militia.

H. Res. 30. Resolution appropriating \$131.83 to be paid the State Journal Company for printing 5,000 copies of Tax Commission Report.

H. Res. 32. Resolution for the benefit of Judge John T. Hodge of Newport, Campbell County, Kentucky.

H. Res. 36. Resolution providing for furnishing Kentucky Dicectories.

H. B. 410. An Act providing for the expression of the

popular will for party nominations of President and Vice-President of the United States, providing for the nomination of presidential electors, election of delegates and alternates to the National Conventions, and the election of National Committeemen therefor, and amending Section 3 of Chapter 7 of an Act of the General Assembly of 1912, entitled, "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections, and providing penalties for the violation thereof, insofar as it relates to the holding of primary elections in the years when Presidents and Vice-Presidents are elected."

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes relating to the improvement of streets, public ways and grounds and sidewalks in cities of the second class.

H. B. 280. An Act to amend Chapter 60, Session Act of 1910, entitled, "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State, and to increase the number of members of the Live Stock Sanitary Board and to enlarge the powers of said board, and to amend Article 2, Chapter 5, of the Kentucky Statutes relating to diseases of domestic animals."

H. B. 354. An Act to regulate the time of holding terms of circuit court in the Thirty-fourth Judicial District of Kentucky.

H. B. 258. An Act repealing Section 4217 of Kentucky Statutes, Carroll's Edition and amending Section 4224, Kentucky Statutes, Carroll's Edition and providing for the license of certain classes of temporary or transient merchants

doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

H. B. 38. An Act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 524. A bill to provide for the election of alumni trustees for State University, Lexington, Kentucky, and for the appointment of such alumni members of the executive committee of the University.

H. B. 583. An Act providing transportation for County Road Engineer and Committees of Fiscal Court and making automobile trucks a part of road equipment.

H. B. 79. An Act fixing the time of holding the election of school trustees throughout this Commonwealth.

H. B. 310. An Act permitting proprietors of repair shops to sell articles upon which the charges have not been paid.

H. B. 329. An Act to amend that part of an Act entitled, "An Act for the government of cities of the first class," which Act relates to revenue and taxation.

H. B. 509. An Act to regulate and publish the collection of special school tax in counties where such tax is collected.

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relating to the inspection thereof, providing for penalties for violation of the provisions of this Act.

H. B. 553. An Act to amend Section 702 of the Kentucky Statutes, so as to further regulate assessment of co-operative fire insurance companies.

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled, "An Act to provide for the organization, armament, equipment, discipline and government of the militia."

H. B. 542. An Act to regulate the liability of common carriers in the carrying of live stock in this State.

H. B. 479. An Act to furnish protection and means of escape from fire in buildings.

H. B. 400. An Act to amend Section 1, subdivision 4, Article 12, Chapter 22 of the Acts of the General Assembly of 1906, being "An Act relating to revenue and taxation," which same is now Section 4224 of the Kentucky Statutes.

H. B. 513. An Act to amend Section 577, Kentucky Statutes, relating to banks and banking.

H. Res. 38. Resolution appropriating \$125.00 for the repair of the monument of Gen. Zachary Taylor, property of the Commonwealth of Kentucky.

Reported same without amendment.

Said bills and resolutions were severally read at length for the first time, and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, called from the calendar bills and a resolution which originated in the House of Representatives, of the following titles, viz.:

H. B. 440. An Act to amend an Act entitled, "An Act to incorporate the Kentucky Confederate Home and providing for the maintenance thereof," approved March 27, 1902, amended March 26, 1904, March 21, 1906, March 19, 1910 and March 18, 1912.

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent acts amendatory thereof, all relating to revenue and taxation.

H. B. 70. An Act to provide for extension of school term of common schools of Kentucky.

H. B. 74. An Act to make it unlawful for common carriers to issue or give free passes or free transportation, or for any person except as herein provided, to receive or use free passes or free transportation, and to provide penalties for any violation of the term of this Act.

H. B. 104. An Act to further regulate appeals to the Court of Appeals.

H. B. 105. An Act regulating the disposition of all moneys received by the Commonwealth of Kentucky as registration or license fees on automobiles and other motor or electric vehicles.

H. B. 120. An Act to amend Section 362 of title 9 of the Code of Practice of Criminal Code.

H. B. 132. An Act to amend Sections 48, 50 and 94 of an Act entitled, "An Act defining public roads, providing for their establishment, regulating and construction, use and maintenance, creating the office of road engineer, and prescribing the duties thereof," which Act became a law upon the approval of the Governor, March 18, 1912.

H. B. 150. An Act in relation to pandering, to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial thereof, and providing what shall be a defense.

H. B. 163. An Act providing the time and manner of electing United States Senators.

H. B. 164. An Act to amend Section 67 and subsections 3 and 4 of Section 68a, Article 3, Carroll's Edition, Kentucky Statutes, 1909.

H. B. 216. An Act to amend Section 805 Kentucky Statutes.

H. B. 224. An Act authorizing counties of this State to own and operate ferries.

H. B. 233. An Act making it unlawful for certain officers to receive service at free or reduced rates from public service corporations, to give service at free or reduced rates to certain public officers, and prescribing the punishment for the breach thereof, together with the jurisdiction for trial of offenses committed thereunder.

H. B. 279. An Act fixing the amount of the bonds of the wardens of the Kentucky Penitentiary at Eddyville, and of the Kentucky Reformatory at Frankfort, Kentucky, and of the Deputy Wardens thereof.

H. B. 305. An Act to amend an Act entitled "An Act to amend the school laws and to create boards of education and to define their duties in cities of the first class."

H. B. 322. An Act to fix the amount of license tax required of retail liquor dealers.

H. B. 133. An Act making it unlawful for insurance companies, writing insurance against loss by fire, lightning, hail, wind-storm, sprinkler leakage, or other casualties in Kentucky not incorporated under the laws of said State, but licensed to write insurance therein through legally licensed agents, to write or cause to be written such insurance against loss or damage to property therein except the same be written by legally licensed agents of said companies under the laws of said State, and residing therein; prescribing certain requirements to be complied with by the owners of property procuring insurance against loss or damage by fire, lightning, hail, wind-storm, sprinkler leakage, or other casualties in companies not legally licensed to write such insurance in said State; fixing the venue of prosecution for the violation of certain sections hereof; and providing certain penalties.

H. B. 82. An Act to punish derogatory statements affecting any bank, savings bank, or trust company.

H. Res. 28. By the General Assembly, urging the members of Congress from Kentucky to use their influence toward having National Government accept property of Lincoln Farm Association.

The constitutional provision as to the second reading at length of said bills and resolution being dispensed with, same were severally read by their titles and ordered placed in the orders of the day.

Mr. Marshall moved that the Senate do now take a recess for twenty minutes.

Said motion was agreed to.

At the expiration of twenty minutes the Senate reconvened.

A message was received from the House of Representatives, announcing that they had passed bills, which had originated in the Senate, of the following titles, viz.:

S. B. 303. An Act to amend an Act entitled "An Act to incorporate the Kentucky Institution for the education of the blind and to provide for the regulation thereof."

S. B. 81. An Act providing the time and manner of electing United States Senators.

S. B. 3. An Act to amend and re-enact Section 1309, relating to carrying concealed weapons.

S. B. 25. An Act to repeal Section 950 of the Kentucky Statutes, regulating the jurisdiction of the Court of Appeals in civil cases, and to substitute therefor.

A message was received from the House of Representatives, announcing that they had passed bills which had originated in the House of Representatives, of the following titles, viz.:

H. B. 513. An Act to amend Section 577, Kentucky Statutes, relating to banks and banking.

H. B. 634. An Act to provide separate trustees for white and colored students.

Said bills were ordered printed and referred to the Committee on Rules.

Mr. Frost proposed the following resolution, viz.:

S. Res. 28. Joint resolution for Mrs. Berkshire.

Said resolution reads as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That whereas, Honorable John W. Berkshire, member of the State Senate from the Twenty-third (23d) district, died on the first day of March 1914, before the expiration of the 1914 term of the General Assembly, and,

Whereas, there would have been due him, had he lived, compensation for sixteen (16) legislative days, at ten (\$10) dollars per day, and,

Whereas, he was a valuable and upright Representative at all times striving to do his full duty toward the people of Kentucky, and especially of his Senatorial District; therefore,

Be it resolved, That Mrs. Fanny Berkshire, widow of the said John W. Berkshire, be and she is hereby allowed the sum of one hundred and sixty (\$160) dollars, for sixteen (16) legislative days, which will have elapsed between the date of the death of Senator Berkshire and the final adjournment of the General Assembly of Kentucky on the seventeenth day of March 1914; and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer of Kentucky for said sum of one hundred and sixty (\$160) dollars, payable to the aforesaid Fanny Berkshire, and the Treasurer is directed to pay said sum out of any moneys on hand.

Mr. Frost moved that the rules be suspended and that the Senate take up said resolution for consideration and place same upon its passage.

Said motion was agreed to.

The question was then taken upon the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	T. J. Moore
W. J. Bale	Walker C. Hall	H. G. Overstreet
W. W. Booles	Webster Helm	J. F. Porter
Joe F. Bosworth	J. B. Hiles	Dr. H. G. Sanders
Hiram M. Brock	C. Holman	Robert H. Scott
J. Will Clay	Hite Huffaker	J. T. Tunis
Nim R. Cobern	Chas. H. Knight	Mitchell Vincent
John H. Durham	S. L. Marshall	W. F. Welch
John F. Ford	C. F. Montgomery	J. H. Williams
W. A. Frost	W. B. Moody	J. R. Zimmerman

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Mr. Frost moved that the vote by which the Senate had adopted said resolution be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Montgomery moved that the rules be suspended and that when the Senate adjourns today, it be to meet Monday, March 16, 1914, at 10:30 o'clock a. m.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, to which had been referred bills which originated in the House of Representatives, of the following titles, viz.:

H. B. 271. An Act to amend Section 10 of Article 17 of Chapter 22, of an Act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An Act relating to revenue and taxation."

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky Institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other States by reciprocity.

H. B. 418. An Act to amend subsections 1, 2, 3 and 16 of Section 1409, Chapter 40, Carroll's Kentucky Statutes, 1909 Edition, and extending said section by adding thereto.

H. B. 540. An Act to amend Sections 3 and 5 of an Act, entitled, "An Act to provide for the enforced attendance of children in the common schools and graded common schools of this Commonwealth," which became a law March 15, 1912.

H. B. 47. An Act to change the court calendar of the Thirteenth Judicial District.

H. B. 138. An Act to amend Section 4383, Chapter 113, of the Kentucky Statutes, Carroll's Edition, so as to add the elements of agriculture and domestic science to the course of study prescribed.

H. B. 193. An Act relating to stub books used in regular and primary elections.

H. B. 355. An Act amending Section 839, subsection 4, Article 5, Chapter 32 of the Kentucky Statutes, Carroll's Edition 1909, relating to condemnation of land.

H. B. 406. An Act to regulate liability of common carriers upon intra-state shipments.

H. B. 443. An Act to prohibit the setting of steel traps, dead-falls, snares, or other trap or device on the land of another without permission of owner, and fixing a penalty for the violation thereof.

Reported same without amendment.

Said bills were severally read at length for the first time and ordered placed on the calendar.

Mr. Frost, of the Committee on Rules, called from the Committee on Suffrage and Election a bill which originated in the House of Representatives, and which had been recommended to said committee, of the following title, viz.:

H. B. 76. An Act to amend an Act entitled, "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections, and prescribing penalties for the violation thereof," which Act became a law March 5, 1912.

Said last named committee reported same with a favorable recommendation with amendments thereto.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 2 of Section 1 of said Act, which reads as follows:

"Section 2. By certificates of nomination signed and filed as herein provided.

"The provisions of this Act shall not apply to candidates for trustees of common schools or members of school boards where such nomination and election are required by law to be made by a separate ballot nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nom-

inated and have their nominations certified as now, or may be hereafter, provided by law. This Act shall not be construed to repeal or effect in any way an Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the second class in the Commonwealth of Kentucky,' " approved March 21, 1910, Chapter 50, Acts 1910, be the same and is now amended by striking from said section the words, "where such nomination and election are required by law to be made by a separate ballot," and that same be re-enacted as amended, and when so amended and re-enacted, shall read as follows:

"2. By certificates of nomination signed and filed as herein provided. The provisions of this Act shall not apply to candidates for trustees of common schools or members of school boards nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter, provided by law. This Act shall not be construed to repeal or affect in any way an Act entitled, 'An Act to amend an Act entitled,' 'An Act for the government of cities of the second class in the Commonwealth of Kentucky,' approved March 21, 1910, Chapter 50, Acts 1910."

(2) That Section 2 of said Act, which reads as follows:

"2. United States Senators.—Party candidates for the office of United States Senator shall be nominated by a preference vote in the manner provided herein for the nomination of other party candidates for the State at large. Candidates for the party nomination for United States Senator shall be voted for at the primary election held next before their election. In any case where, through a vacancy, a United States Senator is to be elected for an unexpired term, party candidates for said office shall be nominated at the last primary preceding the election at which said unexpired term is to be filled, provided that said vacancy occurred 70 days before said primary election, and not otherwise. If,

under this section, two candidates for the office of United States Senator are to be nominated by each party at the same primary election, candidates for the full term shall be grouped together, and candidates for the unexpired term shall be grouped together on the party ballots under appropriate headings. Party candidates for nomination for United States Senator shall have their returns canvassed in the same way as other party candidates for offices for the State at large, and they shall be entitled to have issued to them by the State canvassing board, or State board of election commissioners, certificates of nomination to the successful candidate or candidates of each political party, which certificates of nomination shall be filed with the Secretary of State and shall become a public record in his office; and the Secretary of State shall, on the first Tuesday in January next, after such certificates of nomination of party candidates for the office of United States Senator have been filed in his office, report the same to each House of the General Assembly separately as soon as each of said Houses have organized. The candidate receiving the highest number of votes in a primary nominating election for the office for which he is a candidate shall be declared the nominee of his political party for such office, and he shall be entitled immediately to receive his certificate of nomination when such fact is ascertained," be repealed, stricken from the Act and held for naught.

(3) That Section 4 of said Act, which reads as follows:

"4. Unexpired Terms. — Candidates for unexpired terms to be filed at the November election shall be nominated at the primary next preceding such November election; Provided, that such vacancy occurred not less than seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the primary election, the nomination shall be made in such manner as may be determined by the governing authority of the political parties," shall be and the same is hereby

amended by adding to the said section after the word "parties" therein, the following:

"In the preparation of ballots hereinafter provided for, candidates for full terms shall be grouped together and candidates for unexpired terms shall be grouped together on the party ballots, under appropriate headings, so that the voter may easily distinguish the candidates for full terms and the candidates for unexpired terms," so that said section, when amended, and re-enacted, shall read as follows:

"4. Unexpired Terms. — Candidates for unexpired terms to be filled at the November election shall be nominated at the primary next preceding such November election: Provided, That such vacancy occurred not less than seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the primary election, the nomination shall be made in such manner as may be determined by the governing authority of the political parties. In the preparation of ballots hereinafter provided for, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together on the party ballots, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms."

(4) That Section 5 of said Act, which reads as follows:

"5. Parties Required to Nominate in the Primary.—A political party within the meaning of this Act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise; Provided, That when a vacancy occurs after

any nomination by death or otherwise the governing authority of such party may provide for filling such vacancies and making such nominations. And when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making the same, and shall be filed in the same manner as certificates of nomination at a primary nominating election: Provided, however, That where a political party has before the passage and approval of this Act made a nomination or nominations of candidates to be voted for at the November election in 1912, then no nominations by such parties for such offices shall be made in the primary election held under this Act in the year 1912: and provided further, that where a political party has before the passage and approval of this Act made a call under its party law for a primary election or convention for the nomination or nominations of its candidate or candidates to be voted for at the November election in 1912, then a nomination or nominations by such parties for such offices shall not be made in the primary election held under this Act in the year 1912," be and the same is hereby amended by striking therefrom the following language:

"Provided, however, That where a political party has before the passage and approval of this Act made a nomination or nominations of candidates to be voted for at the November election in 1912, then no nominations by such parties for such offices shall be made in the primary election held under this Act in the year 1912; and provided further, that where a political party has before the passage and approval of this Act made a call under its party law for a primary election or convention for the nomination or nominations of its candidate or candidates to be voted for at the November election in 1912, then a nomination of nominations by such parties for such offices shall not be made in the primary election held under this Act in the year 1912," so that

said section as amended and re-enacted shall be and read as follows:

“5. Parties Required to Nominate in the Primary.—A political party within the meaning of this Act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise: Provided, That when a vacancy occurs after any nomination by death or otherwise, the governing authority of such party may provide for filling such vacancies and making such nominations; and when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making same, and shall be filed in the same manner as to certificates of nomination at a primary election.”

(5) That Section 6 of said Act, which reads as follows:

“6. Nomination Papers.—Any qualified elector who files his petition and the nominating petition of electors as hereinafter provided, and is a member of a political party subject to the provisions of this Act, shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary election held under the provisions of this Act. Said petition shall state the name, age, postoffice address, political affiliations, and all other legal qualifications of the candidate, and shall be in substantially the following form:

“To..... (address of the officer with whom the petition is to be filed) and to the members of the.....party of..... (State, county, district, city or town, or as the case may be),

"Ireside at
and my postoffice address is.....(give State,
county, postoffice, street and number, or rural route). I am a
member of the political party and
affiliated with it and supported its nominees at the last regu-
lar election, and I am.....years of age and pos-
sess all the other legal qualifications necessary to entitle me
to hold the office of.....(here state the name
of the office for which he desires to be voted), to-wit:

..... (here
state all additional legal qualifications required for holding
said office). If I am nominated for said office of
.....at the primary election to be held on the first
Saturday in August, next, I will accept the nomination and
will not withdraw, and, if elected, I will qualify as such offi-
cer.

"Dated aton this, the
day of19.....

"Every candidate before a primary election held under
this Act shall also file, or there shall be filed in his behalf, a
nomination paper as herein provided, and the name of no
candidate shall be printed on any ballot to be used at such
primary election unless said nomination papers shall have
been so filed. Said nomination papers shall be in substan-
tially the following form:

"We, the undersigned, qualified electors of precinct.....
....., ward.....(to be altered to suit the
precinct or ward concerned) county of.....,
State of Kentucky, and members of theparty,
hereby nominate who resides at
No..... street, city of, county
of....., State of Kentucky, (or as nearly
as the address can be given), as a candidate for the office of
..... (here specify office), at the
primary to be held on the first Saturday in August, 19....., as

representing the principles of said party; and we declare that we intend to support the candidate herein named.

IN CITIES.

Name of Voter	Street	Number	Date of Signing

“All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having this form written at the top thereof.

“Each signer of a nomination paper shall sign but one such paper for the same office, except in cases where more than one office of the same kind are to be filled by the same voters, at the same election, in which case a voter may sign for as many candidates as there are offices to be filled, and for no more. Each signer of a nomination paper shall declare that he intends to support the candidate named therein. He shall add his residence and street number, if any, and the date of signing. No nomination paper shall be circulated prior to 60 days before the date by which such paper is required to be filed, and no signature shall be counted unless it has been affixed to such nomination paper and bears the date within sixty days prior to the time for filing same.

“For all nominations as many sheets as necessary may be used for each precinct, but for offices to be filled wholly by the voters of one county or a part thereof, all signers of each separate sheet shall reside in the same precinct, and all sheets containing signatures from one precinct shall be placed

together before filing the nomination paper. For all offices to be filled by the electors of more than one county, all signatures on each separate sheet shall be residents of the same county, but not necessarily of the same precinct, and the form at the top of the sheets in a nominating paper for such offices shall read: 'We, the undersigned, qualified electors of -----county,' etc. All sheets containing signatures from one county shall be placed together before filing the nomination paper.

"No person who is not a qualified elector, and a member of a party making its nominations under the provisions of this Act, and who is not registered, if he lives in a precinct where registration is required, shall be qualified to join in signing any nominating petition; and no person shall sign any nominating petition of any candidate in any political party other than that of which such signer is a member, and with which he is registered, if he resides in a precinct where registration is required. Signatures contrary to the foregoing provisions shall not be counted," be and the same is hereby repealed, and that there be and there now is enacted in lieu thereof, the following:

"Any qualified elector who is a member of a party within the meaning of this Act, and who has affiliated with and supported the nominees of the party at whose hands he seeks the nomination, as defined elsewhere in this Act, shall have his name printed on the official ballot of his party for any office to which he is eligible in any primary held under the provisions of this Act, upon filing with the proper officer at the proper time, a notification and declaration, which notification and declaration shall be in the following form, and shall be filled in as to all the requirements therein contained, and the declaration therein shall be subscribed and sworn to by the person making same, before any officer qualified to administer an oath.

"Said notification and declaration shall be in the following form:

“NOTIFICATION AND DECLARATION
OF _____
FOR NOMINATION TO THE OFFICE

Of _____
To _____ (County
Court Clerk or Secretary of State, as case may be.)
Commonwealth of Kentucky,
_____County.

For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the _____ (name of party) party, I _____ (name in full as desired on the ballot) do solemnly swear (or affirm), that I reside at No. _____, Street, in the City of _____, County of _____, State of Kentucky, and that I am a registered _____ (party) voter in _____ Precinct, City of _____, that I believe in the principles of said _____ (name of party) party, and intend to support its principles and policies, and vote for its nominees at the coming general election, and that I have affiliated with such party, and that I supported its nominees at the last general election, or was prevented from doing so by reason of _____ (state reason here); that if nominated as a candidate of said _____ party at the said ensuing election, I will accept such nomination and not withdraw; that I will not knowingly violate any election law or any law defining or relating to corrupt and fraudulent practice in campaigns or elections in this State, and if finally elected, I will qualify for said office.

_____(Signature of Candidate)

Subscribed and sworn to before me by

_____(Signature of Officer)

this _____ day of _____ 19 _____

_____(Title of Officer).

“The said candidate shall at the time of filing his notifi-

cation and declaration file therewith an affidavit of two reputable electors, members of the same party to which the applicant belongs, which affidavit shall be in the following form, and filled out so as to meet all the requirements indicated therein.

Commonwealth of Kentucky,
.....County.

“We, and
do solemnly swear (or affirm) that we are qualified electors and members of the.....(name of party)
party, and have affiliated with said party, and supported its nominees at the last general election; that we are residents and legal voters of the City of.....,
County of....., State of Kentucky;
that we are personally acquainted with.....
who files the hereto attached notification and declaration, and we know him to be a discreet citizen, and a member of the..... party, and that to the best of
our knowledge and belief, he has affiliated with and supported said party as defined in the primary election law; that he is a resident of the City, County and State set out in his notification and declaration, and we believe him to be qualified to fill the office of......

.....
.....
(Signatures of affiants).

Subscribed and sworn to before me by.....
.....and thisday of
19......

.....(Signature of officer)
.....(Title of officer).

“Said application and declaration, and the accompanying affidavits may be on the same or separate sheets, but shall be filed together and at the same time, and when so filed with the proper officer, it shall be the duty of said officer, upon the candidate’s compliance with the requirements of this Act as

to payment of fees as elsewhere provided, to have printed the applicant's name on the ballot according to the primary election law, under the penalties provided therein."

(6) That Section 8 of said Act, which reads as follows:

"8. Number of Signatures.—For officers to be voted for by the electors of one county or a portion thereof, said nomination paper shall be signed by at least three per cent and by not more than ten per cent of the total vote of the party of the candidate in the city, county or district in which he seeks to be elected. For officers to be voted for by the electors of a district comprising more than one county and less than the entire State, said nomination paper shall be signed by at least two per cent and by not more than ten per cent of the vote of the party in each of at least one-half of the counties in such district: Provided, that for the office of Railroad Commissioner such nomination paper shall be required to have said percentage of signatures in only one-fourth of the counties in a railroad commission district. For officers to be voted for by the electors of the entire State, said nominating paper shall be signed by not less than two per cent and by not more than ten per cent of the vote of the party of such candidate in each of at least ten counties in the State," shall be and the same is hereby repealed, and stricken out of said Act.

(7) That Section 9 of said Act which reads as follows:

"9. Basis of Percentage.—The basis of percentage in estimating the number of signatures required upon nominating papers shall be the highest vote of any candidate of the party for elector at the last election for President," shall be and the same is hereby repealed and stricken from the Act, and the following is enacted and inserted in lieu thereof:

"9. Basis of Percentage.—Immediately after the expiration of the time for filing applications and declarations for places on the ballot, if it should appear that there is only one candidate who has filed the necessary papers for place on the ballot of any party on whose ballot he is entitled to

have his name printed, the officer with whom such papers are filed shall issue to such candidate a certificate of nomination, which shall have the same force and effect as the certificate of nomination provided herein to be issued by the canvassing officers.”

(8) That the first paragraph of Section 17 of said Act, which reads as follows:

“17. Ballots and Ballot Boxes.—There shall be a separate ballot for each political party subject to this Act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words, ‘Official Primary Ballot,’ and at the head thereof shall be printed the words, ‘Official Primary Ballot,’ together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County Clerks as herein provided,” shall be and the same is hereby amended by changing the period after the word “Emblem” in the tenth line thereof to a comma, and adding the following words: “And the ballots shall be numbered in consecutive order in all respects as is now provided for the stub to be numbered,” so that said section shall read:

“17. Ballots and Ballot Boxes.—There shall be a separate ballot for each political party subject to this Act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words, ‘Official Primary Ballot,’ and at the head thereof shall be printed the words, ‘Official Primary Ballot,’ together with proper party name and the party emblem, and the ballots shall be numbered in consecutive order in all respects as is now provided for the stub to

be numbered. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the County Clerks as herein provided."

(9) That Section 18 of said Act, which reads as follows:

"18. Number of Ballots.—There shall be provided and furnished at each primary, nominating election and each election precinct, fifty per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election, the County Clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the County Executive Committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each such precinct," shall be and the same is hereby amended, by adding after the word "precinct," in the last line thereof, the following:

"In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is to be held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women voters shall be treated in all respects like the ballots cast by male voters, and deposited in the boxes hereinbefore provided for the respective parties," so that said section shall read:

"18. Number of Ballots.—There shall be provided and furnished at each primary nominating election and each election precinct seventy-five per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential elec-

tion, the County Court Clerk shall furnish such number of ballots in such precinct as may be requested by the Chairman of the County Executive Committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each such precinct.

“In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is to be held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women voters shall be treated in all respects like the ballots cast by male voters, and deposited in the boxes hereinbefore provided for the respective parties.”

(10) That Section 19 of said Act, which reads as follows:

“19. Qualifications of Electors.—In addition to the special qualifications hereinafter prescribed, the same qualifications of electors shall apply in primary elections held under this Act, as are now required in regular elections. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as hereinafter provided, shall be entitled to vote in any primary unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered he shall be entitled to vote the ballot of the party with which he is registered, and no other. In other precincts qualified electors shall be allowed to vote only the ballot of that party with which they declare their affiliation,” shall be and the same is hereby repealed and stricken from the Act, and there be and there is enacted the following, which shall be inserted in lieu thereof:

“19. Qualifications of Electors.—Before a person shall be qualified to vote in the primary election herein provided

for, he shall possess all the qualifications now prescribed by the Constitution and as are now required of voters in regular elections. He shall, in addition to said qualifications, be a member of the party for whose nominees he intends to cast his vote, and shall have affiliated with said party and supported its nominees, and no person shall be deemed to have affiliated with the party for whose nominees he intends to cast his vote, if he voted against the nominee or nominees of such party at the last general election. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as herein provided, shall be entitled to vote in any primary, unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered, he shall be entitled to vote the ballot of the party with which he is registered and no other. In other precincts, qualified electors shall be allowed to vote only the ballot of the party of which they are members, and with which they have affiliated and supported as defined herein. Provided that all minors who will become twenty-one years of age before the November election shall be entitled to vote in said primary by declaring the party of their choice. The qualifications above described shall apply to candidates and voters alike.

“In order to determine in case of doubt, any of the qualifications above mentioned, the judge of the election shall have power to and he shall swear any person offering himself to vote as to any of said qualifications, and when so sworn, the judge shall direct the clerk to, and the clerk shall write upon the primary stub bearing the voter’s name, the words “sworn as to qualifications.” And any voter making a false statement as to any of his qualifications shall be liable to indictment and conviction for false swearing.

“Any judge of an election knowingly receiving a vote of any elector who is not qualified as provided in this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined one hundred dollars for each offense, and any person so voting knowing that he is not qualified as provided in this Act, shall be guilty of a misdemeanor and upon conviction, shall be fined one hundred dollars for each offense, the fine in each case to be recovered upon information or indictment in any court having jurisdiction.”

(11) That Section 27 of this Act, which reads as follows:

“27. Review by Court.—Whenever it shall be made to appear by affidavit filed in the Circuit Court that an error or omission has occurred or is about to occur in the placing of any name on an official primary ballot, or that an error or wrong has been committed or is about to be committed in printing such ballot, or in the performance of any duty imposed by this Act, the court shall order the officer or person charged with such error, wrong or neglect, forthwith to correct the error, desist from the wrongful act or perform the duty, or show cause why he should not be compelled to do so. Failure to obey the orders of the judge or the court shall be contempt of the court and punishable as such. If the Circuit Court be not in session in the county, the circuit judge shall hear and determine the complaint in vacation, unless he be absent from the county, in which case said affidavit shall be filed before the judge of the County Court, who shall have full power to hear and determine the complaint and make appropriate orders therein. The orders of a court or judge under this section shall be final and not appealable. Only candidates may institute proceedings under this section. In case a charge under this section is directed against the Secretary of State or any other State officer, the affidavit shall be filed in the Franklin Circuit Court,” shall be and the same is hereby repealed, and the following enacted and inserted in lieu thereof:

“27. Review by Court.—Whenever it shall be made to appear by affidavit accompanied by a motion, filed in the Circuit Court, as hereinafter provided, that an error or omission has occurred or is about to occur in the placing or failing to place the name of any candidate on the official primary ballot, or that an error or wrong has been or is about to be committed in the printing of said ballots, or any officer has failed or is about to fail to perform any duty imposed by this Act, the court shall order the officer or person charged with such error, wrong, neglect or failure to forthwith correct the error, desist from such wrongful act, to supply the failure, or to perform the duty, or show good cause why he should not be compelled so to do. Failure to obey the orders of the judge or court shall be treated as a contempt of court, and may be punished as such. Any officer whose duty it is to prepare or furnish ballots as required under this Act, who shall willfully or neglectfully fail to do so, shall, upon conviction therefor be fined not less than one thousand (\$1,000) dollars nor more than two thousand (\$2,000) dollars for each offense and in addition thereto may be imprisoned in the county jail not less than sixty days nor more than six months. If the Circuit Court be not in session in the county, the Circuit Judge of the district in which the county lies shall hear and determine the matter. If the Circuit Judge of the district in which the county lies, be absent from the district, then the motion and affidavit shall be filed before the Circuit Judge of a contiguous district, if he be therein at the time, and if not, then before any Circuit Judge in the Commonwealth. And any of the Circuit Judges above indicated shall have full power to hear the complaint during court or in vacation in a summary manner, and to determine and make final orders therein, and when any such order is made, it shall be conclusive and not subject to appeal.

“Of the filing of the motion and affidavit, and the time and place of hearing thereon the officer or person against whom same is directed shall have notice, which notice shall be

served as notices are directed to be served under the provisions of the Civil Code of Practice.

“Candidates only shall have the right to institute proceedings under this section, and the candidates shall pay the costs of the proceeding.”

(12) That Section 30 of said Act, which reads as follows:

“30. County Clerks—Compensation.—For his services under this Act, the County Clerk shall receive the following fees and no other: For every nomination paper filed with him by a candidate, one dollar; for publishing the list of candidates before the primary, twenty-five cents for each candidate, and the cost of printing, for each name specially registered by him as hereinbefore provided, ten cents. All fees and expenses incurred under this Act shall be paid as other election expenses,” be and the same is hereby repealed and stricken from the Act, and that there be and is hereby enacted the following in lieu thereof:

“30. County Clerks—Compensations.—For his services under this Act, the County Clerk shall receive the following fees and no other: For every declaration filed by a candidate, one dollar, which is to be paid by the candidate upon the filing of his declaration; for publishing the list of names of the candidates before the primary, twenty-five cents for each name, and the cost of printing; and for each name specially registered by him as herein provided, ten cents. All fees and expenses incurred under this Act, except the one above specifically mentioned, shall be paid as other election expenses are paid under the law.”

(13) That Section 26 of said Act, which reads as follows:

“26. Canvassing Returns—Certificates of Nomination.—On the third day after the close of any primary nominating election the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. Such tabulation of votes for

nomination for United States Senator and for all other candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State, in like manner as other election returns are transmitted to him. The tabulation of voters for all offices for which nomination papers are required to be filed in the County Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. In all legislative and senatorial districts which are composed of two or more counties, the County Court Clerks of each county in each such district shall immediately after the primary nominating election returns have been canvassed and certified to them by the Election Commissioners, certify the vote of each candidate for State Senator and Representative to the County Court Clerk in the county having the largest population in each such district, and shall immediately transmit to such clerk the votes aforesaid for candidates for State Senator and Representative. On the fourteenth day after such primary nominating election, the County Election Commissioners of the largest county in each legislative and senatorial district in the State that is composed of two or more counties, shall assemble at the County Court Clerk's office in said county and canvass the returns that have been certified by the Election Commissioners of each county in such district for State Senator and for Representative, and they shall issue to the person receiving the greatest number of votes, for the office for which he is a candidate, a certificate of nomination, which certificate shall, not less than fifteen days next before the day on which the general Novem-

ber election is held, be filed in the office of the County Court Clerk of each county comprising such legislative or senatorial district.

“On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of votes, for the office for which he was a candidate, a certificate of nomination, which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for by a district smaller than the State,” shall be and the same is hereby repealed, and the following enacted and inserted in lieu thereof:

“26. Canvassing Returns—Certificates of Nomination.

—On the third day after the close of any primary nominating election the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. The tabulation of votes for all offices for which the nomination papers are required to be filed in the County Court Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Court Clerk's office immediately after the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for the offices for which they were candidates. And said certificate shall not, less than fifteen days next before the day on which the General November Election is held, be filed with the County Clerk. Such tabulation of votes for nominations for candidates for office whose nomination papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted under seal of the Secretary of State, in like manner as other election returns are transmitted to him. On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election; and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of votes for the office for which he was a candidate, a certificate of nomination, which certificate shall, not less than thirty days next

before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail, a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for by a district composed of more than one county.”

(14) That Section 24 of said Act, which reads as follows:

“24. Manner of Voting.—Any person desiring to vote shall give his name, his residence, and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election, and if such person is entitled to vote in such primary election the clerk shall write on the primary stub of the ballot to be voted by such person his name and residence. The clerk shall then tear off the ballot at the perforated line and endorse his own name across the back of the ballot and then deliver the ballot to the elector, who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot and when he has prepared it he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the

presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast," be and the same is hereby repealed and stricken from the act, and the following is enacted and inserted in lieu thereof:

"24. Manner of Voting.—Any person desiring to vote shall give his name, his residence and the name of his political party to the clerk of the election, who shall thereupon announce the same in the presence of the judges of the election, and if such person is entitled to vote the ballot of the party to which he claims to belong, in such primary election, the clerk shall write on the primary stub of the ballot to be voted by such person, his name and residence. The clerk shall then tear off the ballot at the perforated line and endorse his own name across the back of the ballot and then deliver the ballot to the elector, who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot; and when he has prepared if he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall, in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast."

(15) It being the sense of the General Assembly that the foregoing amendments should become effective as to the primary elections to be held in the year 1914, an emergency is declared to exist, and this amendatory act shall become effective upon its passage and approval by the Governor, and laws which are in conflict herewith are hereby repealed.

The Committee on Suffrage and Elections proposed the following amendments, viz.:

Amend by inserting after the word "elections" in line 21 on page 16, the words:

"Except that in the case of women electors the qualifications shall be as prescribed in Chapter 47 of the Acts of the General Assembly of 1912."

Amend House Bill No. 76 by striking out of said Act the whole of Section Eight (8) thereof.

Amend House Bill 76 in Senate by adding Section 17, thereto, to be as follows:

"In any year in which any general election is held, where school officers are to be voted for, or school questions are to be voted upon, in which women are entitled to vote as provided in Chapter 47 of the Acts of the General Assembly of 1912, such women voters as are qualified to vote under said law, may be specially registered as provided in Section 20 of the Primary Election Act, and it shall be the duty of the County Clerk to permit all women qualified under said act to so specially register."

Amend House Bill No. 76, by inserting immediately after Section 10, as Section 10a, the following:

§ 10a. That Section 25 of Chapter 7, of the Acts of 1912, be and the same is hereby amended by striking out all of said section beginning with the first word thereof down to and including the word "elections," in the 12th line, and inserting in lieu thereof the following:

"Immediately after the close of the polls at a primary nominating election and before the ballot boxes are opened, the officers of election shall count all the remaining ballots that have not been used and shall stamp with a rubber stencil the word "unused" upon the face of each unused ballot so as to be plainly seen. And in their certificate of the results of the election they shall certify how many ballots were not used and the ballots that were not used shall be left attached to the stub book, which shall be returned to the County Clerk as is now required by law. The County Clerk before receipting for the ballot boxes shall count the unused

ballots and see that they are properly stamped and in his receipt given to the election officer delivering the ballot boxes, he shall state the number of unused ballots and that the same are properly stamped. Then the names of the electors of each political party who voted at said primary nominating election shall be counted and the number so voting for each political party shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all election officers at the precinct in the same manner as is provided, or may hereafter be provided for as certifying and signing the official returns in said general elections."

Also amend by inserting the following at the close of said section, viz.: "It shall be the duty of the County Clerk to furnish to the elections officers of each precinct in the county, a rubber stencil containing the word, 'unused,' the letters of which shall not be less than one-half inch in height. Said stencil shall be returned to the County Clerk at the same time and in the same manner that the county election seal for the precinct is returned. It shall also be the duty of the County Clerk to have this Act printed in full in his instructions to election officers."

So that said Section 25 when so amended shall read as follows:

Sec. 25. Immediately after the close of the polls at a primary nominating election and before the ballot boxes are opened, the officers of election shall count all the remaining ballots that have not been used and shall stamp with a rubber stencil the word "unused" upon the face of each unused ballot so as to be plainly seen. And in their certificate of the results of the election they shall certify how many ballots were not used and the ballots that were not used shall be left attached to the stub book, which shall be returned to the County Clerk as is now required by law. The County Clerk before receipting for the ballot boxes shall count the unused ballots and see that they are properly stamped and

in his receipt given to the election officers delivering the ballot boxes, he shall state the number of unused ballots, and that the same are properly stamped. Then the names of the electors of each political party who voted at said primary nominating election shall be counted and the number so voting for each political party, shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all election officers at the precinct in the same manner as is provided, or may hereafter be provided for, certifying and signing the official returns in said primary elections or the returns in said general elections. Said officers of election shall count the number of ballots cast by each political party, and shall keep them separate so that all the ballots belonging to one party shall be in one bunch and the ballots belonging to another party in another bunch, and so on as to all parties who participate in such primary election. As soon as the officers of elections have thus separated, sorted, and bunched the ballots for each political party, then they shall take the tally sheets provided by the County Clerk and shall count all the ballots for each political party separately until the count is completed and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the ballot box of each respective political party after first fastening and sealing said ballots for each political party in a separate bundle, and sealing them for transmission to the County Clerk as is now, or may hereafter be, required for the transmission of ballots voted at regular elections. Said election officers shall then place the tally sheet for each political party in separate envelopes provided for that purpose by the County Court Clerk, and they shall seal said envelopes and place them in the ballot box of such party. They shall then place all contested, disputed and spoiled ballots in envelopes prepared for that purpose and seal the same and place same in the ballot boxes. Then after the officers of election have

thus counted, certified and prepared the election returns, they shall put the certified election returns in the ballot box of each respective political party, together with all the supplies that are to be used in connection with said election, such as stencil, ink pads, sealing wax, stamps, seals, and other supplies that are, or may be required to be returned to the County Court Clerk, and lock said ballot boxes; and the sheriff of election and that judge who is of the opposite political affiliation, shall immediately take and deliver said ballot boxes with the election returns to the County Court Clerk, and the same shall be received and receipted for in the same manner as the ballot boxes and election returns in general elections, except that said ballot boxes shall be opened by the County Court Clerk and the returns therein destroyed within ten days before the succeeding November election: Provided, That where a contest has been instituted and not disposed of, the ballot boxes shall not be opened by said clerk until after said contest has been finally disposed of. It shall be the duty of the County Clerk to furnish to the election officers of each precinct in the county, a rubber stencil containing the word, "unused," the letters of which shall not be less than one-half inch in height. Said stencil shall be returned to the County Clerk at the same time and in the same manner that the county election seal for the precinct is returned. It shall also be the duty of the County Clerk to have this Act printed in full in his instructions to election officers.

Amend Section 5 by striking therefrom the word, "voter" in line 46 and substituting therefor the word, "voted."

By inserting a comma between the word, "nomination" and the word, "by" in line 51.

By striking therefrom the word "vacanies" at the end of line 52 and the beginning of line 53 and substituting therefor the word "vacancy."

By striking therefrom the words, "nominations" in line

53 and substituting therefor in both instances, the word, "nomination."

By striking therefrom the word "have" in line 53 and substituting therefor the word, "has."

By striking therefrom the word "certificates" in line 54 and substituting therefor the word "certificate" and by striking therefrom the word "to" in line 56.

Amend Section 6 by inserting the figure 6 at the beginning of line 85, page 9.

Amend Section 6 by striking therefrom, beginning with the word "to" in line 131, the following: "to which the applicant belongs" and insert in lieu thereof the following, "at whose hands the applicant seeks the nomination."

Amend Section 9 by striking therefrom the words, "basis of percentage" in line 8, and substitute therefor the words, "certificate where only one candidate files papers."

Amend Section 17 by striking therefrom the word "section" in line 18 and substituting therefor the word "paragraph."

Amend Section 19 by striking therefrom, beginning with the word, "for" in line 25, the following: "for whose nominees he intends to cast his vote," and insert in lieu thereof the following: "in whose primary he seeks to cast his vote."

Amend Section 27 by inserting between the word, "court" and the word "as" in line 24, the following: "in the county where the cause of action arises."

Amend Section 26 by striking therefrom the word "of" between the word "seal" and the word "the" in line 84 and insert in lieu thereof the word "to."

Mr. Frost moved that all committee amendments be adopted as a whole.

Said motion was agreed to.

Said amendments were agreed to.

Mr. Brock proposed the following amendment, viz.:

Amend House Bill No. 76, Section 5 by adding thereto the following: "Provided, that if any elector in seeking a place on the ballot of any political party, cannot comply with, or fill out all of the requirements as to political affiliation, to entitle him to go on the ballot of said party under the above provisions, then, it shall be lawful for the governing authority of the political party in the State, county or district in which said elector is seeking the nomination or office, to certify to the Secretary of State, County Clerk, as the case may be, the name of such elector to be printed upon the ballots of said such party; and it shall be the duty of the Secretary of State or County Clerk, upon the certification of said Committee, to place the name of said elector upon said party primary ballot, to be voted for at said election."

Said amendment was disagreed to.

Mr. Brock proposed the following amendment, viz.:

Amend Section 5 by striking from lines 118, 119 and 120 the following: "That if nominated as a candidate of said party at said ensuing election, I will accept said nomination and not withdraw."

Said amendment was disagreed to.

Mr. Porter proposed the following amendment, viz.:

Amend Section 30 by striking out the last sentence, beginning at the word "all" in line 18 and ending with the word "law" in line 20, and insert in lieu thereof the following: "All the supplies for holding said primary election,

shall be provided and paid for in the same manner and by the same authority as the like supplies of the general election; and the paper for the printing of the ballots for the primary nominating election shall be furnished in the same way and paid for in the same way as the paper used for printing the ballots for the regular election; the printing of the ballots and the distribution of the same, except as otherwise herein provided, shall be in the same manner as is now, or may hereafter be prescribed for the printing and distribution of ballots for general elections, and the cost of such printing and distribution and the fee of all officers for services rendered in the primary nominating election shall be as follows, viz.:

“For United States Senator, Governor, and other officers for the State at large, and for all districts larger than a county, the cost shall be paid by the State; the cost for nominating candidates for county offices shall be paid by the county, and the cost of nominating candidates for town and city offices shall be paid by the city or town; and the fees of all officers for services in the holding of the primary nominating election shall be the same as are paid for the same or similar services in holding the general election.”

Said amendment was disagreed to.

Mr. Moody proposed the following amendment:

Amend by adding the following as Section No. 16:

Sec. 16. In any Senatorial or Legislative District in the Commonwealth composed of two or more counties, and wherein there now or may hereafter exist an arrangement or agreement between the governing authorities of any party entitled to nominate its candidates in pursuance of this Act, as to rotation in office, or as to the length of time, or num-

ber of terms each or any county is entitled to, under such arrangement or agreement, the chairman of the committee of the governing authorities of such district having such agreement or arrangement, shall certify the county entitled to nominate to the Secretary of State, and he in turn shall certify to the County Clerk alone of the county entitled under said arrangement, to nominate a candidate for such office, and the clerk alone of such county shall place the names of the candidates in that county on the ballot to be voted in said election.

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The following pair was announced: Mr. Cobern and Mr. Welch.

Mr. Cobern, if present, would vote in the affirmative; Mr. Welch, if present, would vote in the negative.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken upon the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	W. A. Frost	J. B. Hiles
W. J. Bale	Seldon R. Glenn	Chas. H. Knight
W. W. Booles	Walker C. Hall	S. L. Marshall
John H. Durham	Webster Helm	C. F. Montgomery

W. B. Moody	Dr. H. G. Sanders	Mitchell Vincent
T. J. Moore	M. O. Scott	J. H. Williams
H. G. Overstreet	Robert H. Scott	J. R. Zimmerman
J. F. Porter	G. G. Speer	—23

Those who voted in the negative were—

Robert Antle	Hiram M. Brock	C. Holman
Joe F. Bosworth		—4

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives of the following title, viz.:

H. B. 154. An Act to provide a stenographer for the county judge of counties in the Commonwealth containing a population of two hundred thousand or over.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties in this Commonwealth having a population of two hundred thousand or over, there is hereby created the office of stenographer to the County Judge; said stenographer shall be appointed by the County

Judge for a term of four years, but may be removed at any time by said County Judge.

§ 2. It shall be the duty of said stenographer to do stenographic work and typewriting for said County Judge; and said stenographer shall perform such other duties as may be assigned to him by said County Judge.

§ 3. Said stenographer shall by virtue of his office have the same power of administering an oath as a Notary Public.

§ 4. The salary of said stenographer shall be fixed by the County Judge, not to exceed \$900.00 per annum, payable out of the county levy in equal monthly installments.

§ 5. Inasmuch as the need of this officer is urgent, an emergency is hereby declared, and this act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	S. L. Marshall
W. J. Bale	Walker C. Hall	C. F. Montgomery
W. W. Booles	Webster Helm	W. B. Moody
Nim R. Cobern	J. B. Hiles	T. J. Moore
John H. Durham	C. Holman	H. G. Overstreet
W. A. Frost	Chas. H. Knight	J. F. Porter

Dr. H. G. Sanders	G. G. Speer	J. R. Zimmerman
M. O. Scott	Mitchell Vincent	
Robert H. Scott	J. H. Williams	—25

Resolved, That the title of said bill be as aforesaid.

Mr. Knight moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 13. An Act relating to the holding of circuit Courts in counties having therein cities of the sixth class or larger, located within two miles of the geographical centre of said county, and ten miles or more from the county seat thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county of this Commonwealth having therein, or that may hereafter have therein, a city of the sixth class or larger, located within two miles of the geographical center of said county and ten miles or more from the county seat of said county, the distance to be measured from the court house in the county seat to the postoffice of the said city, located within two miles of the geographical center of said county, and along the most convenient and

usually traveled public highways, the circuit courts of such county shall be held alternately so as to divide the time between the county seat and the said city located ten miles or more therefrom, and within two miles of the geographical center of said county, as the business may require, the first part of each term as now provided by law to be held at the county seat, and the other part of the term to be held at said city, located ten miles or more therefrom and within two miles of the geographical center of said county.

§ 2. It shall be the duty of the Judges of the Circuit Courts of the Judicial Districts, embracing counties wherein there is a city of the sixth class or larger, within two miles of the geographical center of said county and ten miles or more from the county seat thereof, to cause to be summoned and impaneled grand and petit juries, and in all things to conduct the said court in said city, in the same manner as provided by law for the holding of courts in the county seat of the county: Provided, however, that said circuit court may adjourn the grand or petit jury selected for the holding of courts at either of said places to the other.

§ 3. All civil cases brought and prosecuted in said county, shall be tried in the court nearest where the defendant resides, the distance to be measured along and by the most convenient and usually traveled public highway. Where there are two or more defendants, part of whom reside near the county seat, and part nearer the city of the sixth class or larger, located within two miles of the center of said county and ten miles or more from the county seat, the case may be tried at either place. In all cases the court shall have a liberal discretion, and may try any case at any place, where the ends of justice and convenience of the greater number of parties and witnesses may be subserved and the decision of the court in this regard shall be final, and not subject to exception or review on appeal.

§ 4. All criminal cases shall be tried at the place nearest where the offense was committed, provided, if the court

be of the opinion that the ends of justice would be better subserved thereby, he may try any criminal case at either of said places, and it shall not be a ground of appeal or reversal that any such case was tried at one place when it should have been tried at the other.

§ 5. Any sixth class or larger city coming within the provisions of this act shall be entitled to its benefits, whenever suitable provision is made by said city for furnishing a court room, and a safe and suitable vault and depository for all books, papers and records pertaining to the said circuit court, and other expenses to the county, and whenever it is made to appear to the circuit judge that said city has made the necessary provisions for holding said court, as provided in this act, it shall then be the duty of said judge, upon application of said city, on the first day of the first term after filing said application, to enter an order directing the latter portion of said term and each term thereafter, to be held in said city, and all cases shall be assigned for trial at one or the other places of holding said court, in accordance with the terms of this act.

§ 6. This act shall not apply to counties, the county seats of which are cities of the fourth class or larger; nor to counties in which circuit courts are now held in two different places.

The Committee on Military Affairs proposed the following amendment, viz.:

Amend H. B. 13:

Sec. 7. That upon the presentation to the county judge of a petition signed by ten per cent of the legal voters of the county, calling for an election to determine whether circuit courts shall be held at a place other than the county seat, the county judge shall immediately appoint a capable civil engineer and two commissioners, who shall survey said

county and determine the distance of said place other than the county seat from said county seat and from the geographical center of said county, and file their report and plat of survey with the county court at the next succeeding regular term, which shall lay over 30 days for exceptions, the cost of said survey to be paid out of the county levy. After said report is confirmed, the county judge shall call an election, which shall not fall within 60 days of the filing of such petition. Said petition shall set out specifically the name of the town other than the county seat at which it is desired to have said court so held. Such election shall be held at the same time and places as the regular election, and the officers of the regular election shall be officers of such election.

In the event that a majority of the votes cast at such election are cast in favor of such proposition to hold the circuit court at a place other than the county seat, it shall be lawful for the circuit court to be held at such place. But if a majority of the votes cast at such election shall be against such proposition, then such question shall not be again submitted to the voters of the county for a period of five years.

Said amendment was agreed to.

Mr. Speer proposed the following amendment:

Amend by striking out "ten miles or more" in Section 1 and inserting in lieu thereof "eleven miles or more."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required therein in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. J. Bale	Webster Helm	J. F. Porter
W. W. Booles	Chas. H. Knight	Dr. H. G. Sanders
Joe F. Bosworth	S. L. Marshall	Robert H. Scott
John H. Durham	C. F. Montgomery	G. G. Speer
W. A. Frost	W. B. Moody	Mitchell Vincent
Seldon R. Glenn	T. J. Moore	J. H. Williams
Walker C. Hall	H. G. Overstreet	J. R. Zimmerman
		—21

Those who voted in the negative were—

Hiram M. Brock	J. B. Hiles	C. Holman
Nim R. Cobern		—4

Resolved, That the title of said bill be as aforesaid.

Mr. R. H. Scott moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 192. An Act to change the time of holding the

regular terms of the circuit court in the County of Cumberland in the Twenty-ninth Judicial District.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular terms of the Circuit Courts in the County of Cumberland shall commence in each year on the first Monday in February, June and October, and that each term shall continue twelve juridical days, if the business of the court require it.

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John H. Durham	C. Holman
W. J. Bale	W. A. Frost	Chas. H. Knight
W. W. Booles	Seldon R. Glenn	S. L. Marshall
Joe F. Bosworth	Walker C. Hall	C. F. Montgomery
Hiram M. Brock	Webster Helm	W. B. Moody
Nim R. Cobern	J. B. Hiles	T. J. Moore

H. G. Overstreet	Robert H. Scott	J. H. Williams
Dr. H. G. Sanders	G. G. Speer	J. R. Zimmerman
M. O. Scott	Mitchell Vincent	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 57. An Act relating to the drainage of lands, the duties of the owners thereof through which ditches, drains, creeks or non-navigable streams pass, describing the method of procedure, the assessment and collection of the cost and expense thereof and prescribing the duties of officers relative thereto.

. The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the owner of land in counties containing more than two hundred and fifty thousand population, through which a non-navigable stream of water has its natural outlet, or through which ditches or drains have been constructed and other ditches have their outlet, shall keep the same free from logs, driftwood, sediment or trash of any kind which may lodge therein and which will stop the free flow of water therethrough.

§ 2. It shall be the duty of the County Engineer to inspect such non-navigable streams, ditches and drains and to see that the same are free from any and all obstructions which will stop the free flow of water therethrough, and upon finding that any obstructions exist it shall be the duty of the County Engineer or one of his deputies or ditch inspectors to notify the owner of the land abutting on said non-navigable stream, ditch or drain, in writing, to remove such obstructions or to open such ditches.

§ 3. It shall be the duty of the County Engineer to proceed to remove or have removed such obstruction if the same shall not have been attended to by the owner or owners of the property abutting on said non-navigable stream, ditch or drain within sixty days after having been notified by said County Engineer and that the same shall be re-opened or cleared out and the obstructions removed therefrom in the same manner as road work is done in said county. The County Engineer or his deputies who supervise said work shall keep an accurate account of the cost of removing such obstructions or re-opening, or cleaning such non-navigable streams, ditches and drains, and said charge shall be against the owner or owners of said lands and be a lien upon the same and shall be added to the tax bill next due to the county for the reimbursement of the county for its expenses for the work above provided for.

All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	H. G. Overstreet
W. J. Bale	Webster Helm	J. F. Porter
W. W. Booles	J. B. Hiles	Dr. H. G. Sanders
Joe F. Bosworth	C. Holman	M. O. Scott
Hiram M. Brock	Chas. H. Knight	Robert H. Scott
Nim R. Cobern	S. L. Marshall	G. G. Speer
John H. Durham	C. F. Montgomery	Mitchell Vincent
W. A. Frost	W. B. Moody	J. H. Williams
Seldon R. Glenn	T. J. Moore	J. R. Zimmerman
		—27

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title:

H. B. 72. An Act to amend Subsection 2, of Section 3490, Chapter 89 of the Kentucky Statutes.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 2 of Section 3490, Chapter 89 of the Kentucky Statutes, be and the same is hereby amended by adding after the last word thereof, the following:

“Provided, however, that the limitation hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been in-

curred for the construction, improvement or acquisition of school buildings or property and when such an indebtedness has been incurred, there may be levied in addition to the tax hereinbefore authorized an annual ad valorem tax sufficient to pay the interest on such indebtedness, and also to constitute a sinking fund for the payment of the principal thereof; the provisions hereof shall apply to any bonded indebtedness whether heretofore or hereafter created, so that said Sub-section 2, when amended, shall read as follows:

“2. Levy and Collection of ad valorem Taxes.—To levy and collect for municipal purposes an annual ad valorem tax not exceeding seventy-five cents on every hundred dollars of all property made taxable by law for State purposes; in addition not exceeding fifty cents on the hundred dollars' worth of property taxable for State purposes, for the maintenance of public schools, or the erection of buildings for public school purposes; and not exceeding fifty cents to meet the principal and interest of any bonded debt hereinafter authorized; and not exceeding one dollar to meet the principal and interest on, and provide a sinking fund for the extinction of any bonded debt contracted before the adoption of the present Constitution; provided no greater levy to pay such indebtedness be authorized by the laws existing at the time of the creation of such debt. Provided, however, that the limitation hereinbefore prescribed of the tax that may be levied for school purposes shall not apply where a bonded indebtedness has been incurred for the construction, improvement or acquisition of school buildings or property; and when such an indebtedness has been incurred, there may be levied in addition to the tax hereinbefore authorized, an annual ad valorem tax sufficient to pay the interest on such indebtedness, and also to constitute a sinking fund for the payment of the principal thereof; the provisions hereof shall apply to any bonded indebtedness whether heretofore or hereafter created.”

§ 2. Because of the insufficiency of the revenue that

may be obtained for school purposes under the existing law, an emergency is declared to exist, and this Act shall take effect from and after its approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Seldon R. Glenn	H. G. Overstreet
W. J. Bale	Walker C. Hall	J. F. Porter
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	C. Holman	M. O. Scott
Hiram M. Brock	Chas. H. Knight	G. G. Speer
Nim R. Cobern	S. L. Marshall	Mitchell Vincent
John H. Durham	C. F. Montgomery	J. H. Williams
W. A. Frost	W. B. Moody	J. R. Zimmerman

—24

There voted in the negative—

J. B. Hiles

—1

Resolved, That the title of said bill be as aforesaid.

A message was received from the Governor, by his Private Secretary, announcing that had approved and signed a bill, which originated in the Senate, of the following title, viz.:

S. B. 84. An Act to amend and re-enact Section 579 and Section 584 Kentucky Statutes, Carroll's Edition, 1909, so that the banking laws of Kentucky shall conform to the requirements of the Federal Reserve Act.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 159. An Act to amend and re-enact Sections 3957 and 3958, Chapter 105, Kentucky Statutes, Carroll's Edition, 1909, relating to public printing and binding and stationery, being an Act of June 20, 1893.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3957 be amended by striking from the third line thereof the word "biennially" and inserting in lieu thereof the words "every four years," and by striking from the tenth line of that section the word "two" and inserting in lieu thereof the word "four," so that said section, when so amended, will read as follows:

"Section 3957. Advertisement for Bidders—Publication—Terms of Contract.—The Commissioners shall, between the first day of August and the first day of November next after the passage of this law, and every four years thereafter, within the same period, give notice, for the period of at least thirty days, in at least one newspaper in each of the cities of Frankfort, Louisville, Lexington, Covington, Paducah, Ky., and Cincinnati, Ohio, that sealed proposals will be received at the office of the Secretary of State for the executing of the several classes of the public printing and

binding in separate contracts, and for furnishing paper, envelopes and other stationery for the term of four years from and after the first Monday in January, next ensuing, at a certain rate per centum, not to exceed the rates specified in this law.”

§ 2. That Section 3958 be amended by striking out all of said section beginning with the word “person” in the fifth line thereof, and inserting the following: “Bidder whose proposal is found by the Commissioners to be the lowest and best, not to exceed the rate fixed by the schedule annexed to this law, and at the same time and in the same manner award the contract for furnishing stationery,” so that said section, when so amended, will read as follows:

“Section 3958. Examination of Bids—Awarding Contract.—Within two days after the expiration of the time for receiving proposals as aforesaid, the Commissioners, or any three of them, shall open all such proposals, and shall proceed publicly to allot the printing and binding in each class as aforesaid to the bidder whose proposal is found by the Commissioners to be the lowest and best, not to exceed the rate fixed by the schedule annexed to this law, and at the same time and in the same manner award the contract for furnishing stationery.”

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	W. B. Moody
W. J. Bale	Walker C. Hall	J. F. Porter
W. W. Booles	Webster Helm	Dr. H. G. Sanders
Joe F. Bosworth	J. B. Hiles	M. O. Scott
Hiram M. Brock	C. Holman	Robert H. Scott
Nim R. Cobern	Chas. H. Knight	G. G. Speer
John H. Durham	S. L. Marshall	Mitchell Vincent
W. A. Frost	C. F. Montgomery	J. H. Williams

—24

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 265. An Act to amend subsection 2 of Section 8 of an Act of the Commonwealth of Kentucky, entitled, "An Act relating to husband and wife and entitled 'Husband and Wife,' " approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky, 1893, and also being subsection 2, of Section 2103 of the Kentucky Statutes, 1909, John D. Carroll's Edition.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section Second of Section 8 of an Act of the Commonwealth of Kentucky, entitled, "An Act relating to husband and wife, and entitled 'Husband and Wife,' " approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky, 1893, and also being Sub-sec-

tion 2, of Section 2103 of the Kentucky Statutes, 1909, John D. Carroll's Edition, be and is hereby amended by adding or inserting the word Governor in or to said Sub-section Second of said Section 8, so that said section as amended, shall read as follows:

Section 8. Marriage shall be solemnized by the following persons only:

First—Ministers of the Gospel or priests of any denomination, in regular communion with any religious society.

Second—Judges of the County Court, and justices of the peace may authorize.

Third—Or, where either party belongs to a religious society having no officiating priest or minister, whose usage is to solemnize marriage at the usual place of worship, and by consent given in the presence of the society, it may be so solemnized.

§ 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

The Committee on Judiciary proposed the following amendment:

Amend by inserting in Sub-section Second of Section 8 after the word "and" the word "such" and after the word "peace" in said sub-section the words "as the Governor of the State or the County Court," so that said sub-section as amended shall read as follows:

"Second: Judges of the County Court, and such justices of the peace as the Governor of the State or the County Court may authorize."

Mr. Moody proposed the following amendment:

Amend House Bill No. 265 by adding thereto the following:

"It shall be unlawful for any person for compensation or reward, to solicit, persuade, entice, direct, or induce other

persons about to be married to go to or before any minister or other person authorized to solemnize marriage, to be married; or to receive any part of any sum of money or other remuneration paid such minister or other person for solemnizing marriage; and it shall be unlawful for any minister or other person authorized to solemnize marriage to pay, or give to, or divide or share with any other person any sum of money or other thing obtained by them for solemnizing marriage.

“Any person violating the provisions of this Act shall be fined not less than ten dollars and not more than one hundred dollars, for each offense, in the discretion of the judge or jury.”

Mr. Speer proposed the following amendment:

Amend House Bill 265 by adding thereto Sub-section 4 after Sub-section 3, Section 8, the following:

Subsection 4. It shall be the duty of the County Court Clerk of the various counties of this Commonwealth to use the following form when issuing marriage license:

MARRIAGE LICENSE

KentuckyTo-wit: Any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the holy state of matrimony, according to the rites and ceremonies of your Church or religious denomination, and the laws of the Commonwealth of Kentucky,
and

Given under my hand, as Clerk of.....
Court of.....County (or City) this.....
day of....., 191.....

.....Clerk.

MARRIAGE CERTIFICATE

Kentucky: In the Clerk's Office of the.....
 Court for the County (or City) of.....
 Date of Marriage..... Place of
 Marriage.....

Full names of parties.

Age of Husband.....years; Condition (single, widowed or
 divorced).....

Age of wife.....years; Condition (single, widowed or
 divorced).....

Race (White or Colored).....

Husband's Place of Birth.....

Residence

Wife's Place of Birth.....

Residence

Names of Parents: Husband.....and

..... Wife

and.....

Occupation of Husband.....

Given under my hand this.....day of
, 191.....

.....Clerk.

CERTIFICATE OF TIME AND PLACE OF MARRIAGE.

I,, a..... of
 the.....Church, or religious order of
 that name, do certify that on the.....day of
 191....., at.....

Kentucky, under authority of the above license, I united in
 Marriage the persons named and described therein. I quali-
 fied and gave bond according to law authorizing me to cele-
 brate the rites of marriage in the County (or City) of.....
, State of Kentucky.

Given under my hand, this.....day of
, 191.....

(Person who performs ceremony sign here.)

CERTIFICATE OF PERSON PERFORMING MARRIAGE CEREMONY.

(To be returned and delivered the parties married.)

I, _____, a _____
of the _____ Church, or religious order of that
name, do certify that on the _____ day of _____,
191_____, at _____, Kentucky, under au-
thority of a license issued by _____
Clerk of _____ Court of _____ County
(or City), State of Kentucky, dated the _____ day of _____
_____, 191_____, I united _____
_____, husband and _____, his
wife.

Given under my hand this _____ day of _____,
191_____.

_____,
(Person who performs ceremony sign here.)

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third
time.

The constitutional provision as to the third reading of
said bill being dispensed with and same being engrossed, the
question was then taken on the passage of said bill and it
was decided in the affirmative.

The yeas and nays being required thereon in pursuance
of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Nim R. Cobern	Seldon R. Glenn
Joe F. Bosworth	John H. Durham	Walker C. Hall
Hiram M. Brock	W. A. Frost	Webster Helm

J. B. Hiles	H. G. Overstreet	G. G. Speer
Chas. H. Knight	J. F. Porter	Mitchell Vincent
S. L. Marshall	Dr. H. G. Sanders	J. H. Williams
C. F. Montgomery	M. O. Scott	J. R. Zimmerman
W. B. Moody	Robert H. Scott	—23

Those who voted in the negative were—

W. W. Booles	C. Holman	—2
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Resolved, That the title of said bill be as aforesaid.

Mr. Helm moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

The President appointed the following committee to confer with a committee of the House of Representatives to ascertain and prepare such resolutions as are necessary to cover expenses incurred by this General Assembly not otherwise provided for, viz.: Messrs. Booles and Montgomery.

Mr. Frost moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

MONDAY, MARCH 16, 1914.

The Senate was opened with prayer by Rev. John J. Gravett, Jr., of the Episcopal Church.

On motion of Mr. Huffaker the Journal was approved as read.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz.:

S. B. 3. An Act to amend and re-enact Section 1309, relating to carrying concealed weapons.

S. B. 81. An Act providing the time and manner of electing United States Senators.

S. B. 303. An Act to amend an Act entitled, "An Act to incorporate the Kentucky Institution for the education of the blind, and to provide for the regulation thereof."

And found the same correctly enrolled.

Said bills were then compared by the clerks in open session of the Senate and found to be correctly enrolled. The President thereupon affixed his signature thereto and they were returned to the committee to be delivered to the House of Representatives for comparison and the signature of the Speaker of that body.

Mr. Frost, of the Committee on Rules, proposed the following resolution, viz.:

S. Res. 29. Resolution to pay ministers for their services in opening Senate and House of Representatives with prayer.

Said resolution reads as follows, viz.:

JOINT RESOLUTION.

Whereas, the ministers of the city of Frankfort have been very kind, prompt and efficient in complying with the request of the General Assembly in opening each day's session of the Senate and House of Representatives with prayer; therefore,

Be it resolved by the Senate, the House of Representatives concurring, That each of the ministers having opened the session with prayer, eight in number, be allowed fifty dollars each, to be paid out of any money in the treasury not otherwise appropriated, and the Chief Clerk of the Senate and the Chief Clerk of the House will draw vouchers on the Auditor for the payment of the ministers who served in their respective Houses.

Mr. Frost moved that the rules be suspended and that the Senate take up said resolution for consideration.

Said motion was agreed to.

The question being taken upon the adoption of said resolution it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	T. J. Moore
Charles Arnett	Seldon R. Glenn	H. G. Overstreet
T. F. Bagby	Walker C. Hall	J. F. Porter
W. J. Bale	Webster Helm	Sam L. Robertson
W. W. Booles	J. B. Hiles	Dr. H. G. Sanders
Joe F. Bosworth	D. H. Hildreth	M. O. Scott
Hiram M. Brock	C. Holman	G. G. Speer
J. Will Clay	Hite Huffaker	Mitchell Vincent
Nim R. Cobern	Chas. H. Knight	W. F. Welch
John H. Durham	C. F. Montgomery	J. R. Zimmerman
John F. Ford	W. B. Moody	—32

A message was received from the House of Representatives, announcing that it had passed bills and a resolution, which had originated in the Senate, and adopted a resolution which originated in that body, of the following titles, viz.:

S. B. 121. An Act to amend an Act entitled “An Act for the creation and regulation of private corporations,” being an Act relating to the subject of insurance and the transaction of the business of life and casualty insurance, or both life and casualty insurance upon the co-operative or assessment plans.

S. B. 295. An Act concerning the parole by the State Board of Penitentiary Commissioners of convicts confined in the Penitentiary, Houses of Reform and State Reformatories and to provide for the employment, care and supervision of such convicts while on parole.

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or misdemeanor.

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of

banks, combined banks and trust companies, and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

S. Res. 8. A resolution for the payment to the widow of the late William Carnes the salary due him for services rendered the State as Special Judge of the Breathitt Circuit Court, in the case of the Commonwealth v. Hargis.

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley and T. T. Bryson, and appropriating money for their benefit.

Mr. Frost moved that the rules be suspended and that the Senate take up for consideration a resolution, which originated in the House of Representatives, of the following title, viz.:

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley and T. T. Bryson, and appropriating money for their benefit.

Said motion was agreed to.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, Samuel Turley, a member of the House of Representatives, died during the present session, leaving a widow and children, who are in need of the per diem he would have drawn had he lived, and whereas, it has been the custom in this State for the General Assembly to allow deceased member's families to draw the allowance of said members, and

Whereas, the Hon. J. A. Scott, also elected as a member of this House, died, entering upon his duties as such, and the Hon. A. T. Bryson was elected to fill the vacancy caused by the death of said Scott, and, whereas, the said Scott did not draw any of the salary of the office of Representative in the present General Assembly; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$170.00, to be paid to Mrs. Ida Turley, widow of the said Samuel Turley, and there is also appropriated out of any funds in the treasury not otherwise appropriated, the sum of three hundred and ten (\$310.00) dollars, to be paid to the Hon. A. T. Bryson, and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of said Ida Turley and A. T. Bryson for the aforesaid sums of money.

And the question being taken upon the adoption of said resolution it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	John F. Ford	W. B. Moody
Charles Arnett	W. A. Frost	T. J. Moore
W. J. Bale	Seldon R. Glenn	H. G. Overstreet
W. W. Booles	Walker C. Hall	J. F. Porter
Joe F. Bosworth	J. B. Hiles	G. G. Speer
Hiram M. Brock	D. H. Hildreth	J. T. Tunis
J. Will Clay	C. Holman	Mitchell Vincent
Nim R. Cobern	Hite Huffaker	W. F. Welch
John H. Durham	S. L. Marshall	J. H. Williams

Mr. Frost moved to reconsider the vote by which the Senate had adopted said resolution and that said motion lie on the table.

A message was received from the Governor, through his Private Secretary, in writing:

March 16, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate, will appoint the following Notaries Public for their respective counties in Kentucky:

Bagby, Roy A., Jefferson, Louisville, Ky.

Back, Madison T., Breathitt, Portsmouth, Ky.

Bowling, Wm. L., Pike, Pikeville, Ky.

Blades, H. C., Bracken, Brooksville, Ky.

Courteney, T. A., Jefferson, Louisville, Ky.

Cox, G. C., Morgan, Dan, Ky.

Cross, Miss Nancy, Franklin, Frankfort, Ky.

Crace, S. W., Greenup, Palmyra, Ky.

Cochran, Leota, Whitley, Corbin, Ky.

Denny, Jas. D., Pendleton, Morgan, Ky.

Dempsey, Lewis, Martin, Inez, Ky.

Easton, G. W., Bell, Middlesboro, Ky.

Ellis, R. D., Daviess, Owensboro, Ky.

Farnsley, Burrell H., Jefferson, Louisville, Ky.

Garred, R. V., Lawrence, Louisa, Ky.

Hundley, J. P., Marion, Lebanon, Ky.

Henderson, W. R., Lewis, Vanceburg, Ky.

Jones, W. O., Grayson, Leitchfield, Ky.

Johnson, W. W., Elliott, Bruin, Ky.

Ratliff, A. L., Pike, Pikeville, Ky.

Rutherford, R. M., Jefferson, Louisville, Ky.

Stewart, C. B., Fayette, Lexington, Ky.

Sleet, W. C., Bell, Middlesboro, Ky.

Tyler, W. E., Kenton, Covington, Ky.

Wells, T. M., Franklin, Frankfort, Ky.

Wallace, Geo. P., Pendleton, Falmouth, Ky.

Respectfully,

JAMES B. McCREARY,

Governor of Kentucky.

Mr. Hiles moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

Mr. Speer proposed the following resolution, viz.:

Whereas, practically all the legislation of the General Assembly will be passed within the next two legislative days, and,

Whereas, it will necessitate the employment of extra help by the Enrolling Clerk of the Senate in order to expedite the business; now, therefore,

Be it resolved by the Senate, That the Enrolling Clerk of the Senate is authorized and directed to employ all necessary assistance, who shall be entitled to twenty-five cents per page for all bills enrolled by them, and the Clerk of the Senate is directed to issue his voucher to the Auditor of Public Accounts, who shall draw his warrant in her favor for amount certified by her to the clerk. Said amount shall not include any charge by either the Enrolling Clerk or the Assistant Enrolling Clerks for any work.

Mr. Speer moved that the rules be suspended and the Senate take up said resolution for consideration.

Said motion was agreed to.

And the question being taken on the adoption of said resolution it was decided in the affirmative.

Mr. Frost moved when the Senate adjourn at one o'clock today, it be to meet this afternoon at 2 o'clock.

Said motion was agreed to.

Mr. Speer proposed the following resolution, viz.:

Whereas, the 1914 session of the General Assembly is about ready to finally adjourn, and

Whereas, there has been introduced in the House 635 bills and in the Senate 363 bills, all of which have been printed and many reprinted with amendments and substitutes, and

Whereas, the Legislative Digest has presented, without serious error, each bill by its number and each step taken thereon, together with the proceedings of the day before, making The Legislative Digest absolutely indispensable, and

Whereas, both the printed bills and the Digest have been most accurate and have been delivered with wonderful speed, causing no delay and at a very low cost; now, therefore,

Be it resolved by the Senate of Kentucky:

That the State Journal, printers to the Commonwealth, and Graham Vreeland, James L. Newman, L. V. Armentrout, M. L. Staadeker, Roger Burlingame and Fred Ballard, editors of the Legislative Digest, are deserving of the hearty commendation of the members of this House, and that we do now express our appreciation of their most excellent work.

The question being taken upon the adoption of said resolution, it was decided in the affirmative.

Mr. Frost, of the Committee on Rules, called from the

calendar bills, which originated in the House of Representatives, of the following titles, viz.:

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

H. B. 29. An Act to abolish Fellow Servant Rule of Law in this State.

H. B. 320. An Act changing the times for the sessions of circuit courts of the Fourteenth Judicial District.

H. B. 261. An Act to repeal, revise and re-enact Sections 6, 8 and 9 of Primary Election Law so that candidates will not be required to secure signatures of electors to petitions in order to get on ballot.

H. B. 189. An Act to repeal an Act entitled "An Act relating to weights, measures and balances and the appointment of an inspector of weights and measures for counties," being Chapter 90, Acts 1910.

H. B. 77. An Act to amend an Act entitled "An Act for the Government of cities of the fourth class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended all of which said Act and amendments now appear in Article 5, of Chapter 89, of the Kentucky Statutes, John D. Carroll's Edition thereof in 1909, whereby cities of the fourth class may go under the commission form of Government.

H. B. 368. An Act to allow the use of hoopnets in the navigable rivers of Kentucky.

H. B. 387. An Act to amend Chapter 63 of the Kentucky Statutes, relating to the State Board of Health.

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

H. B. 421. An Act to repeal and re-enact Section 4281a, Kentucky Statutes, relating to inheritance taxes.

H. B. 1. An Act empowering board of trustees of all common graded schools, created by the vote of the people, to levy and collect an annual tax for the maintenance, operating and support of the graded schools in their respective districts.

H. B. 278. An Act authorizing the granting of license to certain graduates of medical schools without a State Board Examination.

H. B. 241. An Act requiring counties to furnish their own veterinary surgeons.

H. B. 459. An Act to amend an Act entitled "An Act to amend Chapter 113, Article VIa, Carroll's Kentucky Statutes, 1909, Districts, Trustees, Teachers, Taxation." Approved March 11th, 1912.

To prevent negroes voting in trustees' election for white schools.

H. B. 153. An Act to enjoin and abate houses of lewdness, assignation and prostitution, etc., and to enjoin the person or persons who conduct or maintain the same.

H. B. 358. An Act to regulate the tax on inheritance

and to amend Sections 4281j and 4281 m, Kentucky Statutes, Carroll's 1909 Edition.

H. B. 75. An Act prescribing manner of payment of wages by corporations.

H. B. 130. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto.

H. B. 424. An Act to amend the Constitution of the Commonwealth of Kentucky.

H. B. 411. An Act to prevent the employment of private guards and gunmen and fixing the penalty for so acting.

H. B. 242. An act to regulate, license and govern use of motor vehicles.

H. B. 14. An Act to regulate the sale, barter or loan of spirituous, malt, vinous or other alcoholic liquids that produce drunkenness.

H. B. 23. An Act to repeal Chapter 10, Acts of 1906, approved March 1, 1906, and to provide for a dog tax.

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes, relating to the improvement of streets, public ways and grounds and sidewalks in cities of the second class.

H. B. 271. An Act to amend Section 10 of Article 17 of Chapter 22, of an act of the General Assembly of Kentucky, approved March 15, 1906, entitled, "An Act relating to revenue and taxation."

H. B. 297. An Act to repeal Section 1379, of Kentucky Statutes of 1909, relating to the working of prisoners on public work and roads and to substitute therefor.

H. B. 354. An Act to regulate the time of holding terms of Circuit Court in the Thirty-fourth Judicial District of Kentucky.

H. B. 418. An Act to amend Sub-sections 1, 2, 3 and 16 of Section 1409, Chapter 40, Carroll's Kentucky Statutes, 1909 Edition, and extending said section by adding thereto.

H. B. 109. An Act to amend an Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other States by reciprocity.

H. B. 444. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. B. 540. An Act to amend Sections 3 and 5 of an Act entitled "An Act to provide for the enforced attendance of children in the common schools and graded common schools of this Commonwealth," which became a law March 15, 1912.

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relat-

ing to the inspection thereof, and providing for penalties for violations of the provisions of this Act.

H. B. 307. An Act prohibiting superintendents of public schools, principals or supervisors or teachers, who receive compensation for such services out of the Public School Fund, from acting as sales agent, either directly or indirectly, for any school book publishing house qualified to sell school text books in the State of Kentucky.

H. B. 381. An Act establishing a State Athletic Board of Control.

H. B. 479. An Act to furnish protection of means of escape from fire in buildings.

H. B. 524. An Act to provide for the election of alumni trustees for State University, Lexington, Kentucky, and for the appointment of such alumni members on the Executive Committee of the University.

H. B. 542. An Act to regulate the liability of common carriers in the carrying of live stock in this State.

H. B. 553. An Act to amend Section 702 of the Kentucky Statutes, so as to further regulate assessment of co-operative fire insurance companies.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 133, and Sections 4501 and 4503 inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers, etc.

H. B. 410. An Act providing for the expression of the popular will for party nominations of President and Vice

President of the United States, providing for the nomination of presidential electors, election of delegates and alternates of delegates and alternates to the National Conventions, and the election of National Committeemen therefor, and amending Section 3 of Chapter 7 of an Act of the General Assembly of 1912, entitled "An Act to provide for the nomination of candidates by political parties at primary elections, and for placing the names of candidates on the ballots to be voted for at general elections, and providing penalties for the violation thereof, in so far as it relates to the holding of primary elections in the years when Presidents and Vice Presidents are elected."

H. B. 443. An Act to prohibit the setting of steel traps, dead falls, snares or other trap or device on the land of another without permission of owner and fixing a penalty for the violation thereof.

H. B. 509. An Act to regulate and publish the collection of special school tax in counties where such tax is collected.

H. B. 533. An Act to amend Chapter 142 of the Acts of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1912, entitled an Act to provide for the organization, armament, equipment, discipline and government of the militia.

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol Grounds and Governor's Mansion.

H. B. 38. An Act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 79. An Act fixing the time of holding the election of school trustees throughout this Commonwealth.

H. B. 310. An Act permitting proprietors of repair shops to sell articles upon which the charges have not been paid.

H. B. 329. An Act to amend that part of an Act entitled "An Act for the Government of cities of the first class," which Act relates to revenue and taxation.

H. B. 583. An Act providing transportation for County Road Engineer and Committees of the Fiscal Court and making Automobile trucks a part of road equipment.

H. B. 138. An Act to amend Section 4383, Chapter 113 of the Kentucky Statutes, Carroll's Edition, so as to add the elements of agriculture and domestic science to the course of study prescribed for the common schools.

H. B. 47. An Act to change the court calendar of the 13th Judicial District.

H. B. 193. An Act relating to stub-books used in Regular and primary elections.

H. B. 406. An Act to regulate liability of common carriers upon intrastate shipments.

H. B. 559. An Act declaring certain public roads a system of public State highways and public works of the State of Kentucky.

H. B. 355. An Act amending Section 839, Subsection 4, Article 5, Chapter 32 of the Kentucky Statutes, Carroll's Edition, 1909, relating to condemnation of land.

H. B. 280. An Act to amend Chapter 60, Session Act of 1910, entitled "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky, and to provide greater protection to the live stock industry of the State, and to increase the number of members of the Live Stock Sanitary Board and to enlarge the powers of said board, and to amend Article 2, Chapter 5, of the Kentucky Statutes, relating to diseases of domestic animals."

H. B. 400. An Act to amend Section 1, Subdivision 4, Article 12, Chapter 22, of Act of the General Assembly of 1906, being "An Act relating to revenue and taxation," which same is now Section 4224 of the Kentucky Statutes.

H. Res. 30. Resolution appropriating \$131.83 to be paid the State Journal Company for printing 5,000 copies of Tax Commission Report.

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

H. Res. 35. Resolution to authorize Thomas C. Holloway, late Major in Medical Corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky in the Franklin Circuit Court for the balance due him for services rendered to two members of the militia.

H. Res. 38. Resolution appropriating one hundred and twenty-five (\$125.00) dollars for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

H. Res. 36. Resolution providing for furnishing Kentucky directories.

H. Res. 39. Resolution authorizing the Auditor of Pub-

lic Accounts to pay to A. E. Barrett the sum of \$253.80 for teaching.

H. B. 384. An Act relating to crimes and punishments and for the protection of girls under sixteen years of age.

H. B. 258. An Act repealing Section 4217 of Kentucky Statutes, Carroll's Edition, and amending Section 4224, Kentucky Statutes, Carroll's Edition, and providing for the license of certain classes of temporary or transient merchants doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violating thereof.

The constitutional provision as to the second reading at length of said bills and resolution being dispensed with, same were severally read by their titles and ordered placed in the orders of the day.

Mr. Frost moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

AFTERNOON SESSION.

At 2 p. m. the Senate reconvened.

A message was received from the House of Representatives, announcing that it had passed bills and a resolution, which originated in the Senate, of the following titles, viz.:

S. Res. 28. Joint resolution for Mrs. Berkshire.

S. B. 313. An Act changing the name of Capitol Square Police to Executive Marshal.

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the house and ground known as the Governor's old Mansion and appropriating money to complete and furnish the Governor's new Mansion.

S. B. 130. An Act to amend Section 3, of Chapter 72, of the Acts of 1910.

S. B. 39. An Act defining public roads; providing for their establishment, use and maintenance; creating the office of County Road Engineer, and prescribing the duties thereof.

A message was received from the House of Representatives, announcing that it had passed a bill, with an amendment thereto, which originated in the Senate, of the following title, viz.:

S. B. 77. An Act to amend an Act entitled "An Act for the government of cities of the third class in the Commonwealth of Kentucky," which was approved June 14, 1893, and thereafter in due course became a law, and as same has since been amended, all of which said Act and amendments now appear as Article 4, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909.

Said amendment reads as follows, viz.:

Amend Section 5, by adding after the words "odd year" at the end of line 8, page 5, the following words, to-wit:

"If the terms of the then Mayor and then Police Judge should both expire with such odd year, there shall be elected by the qualified voters of said city, two Commissioners and

a Mayor and a Police Judge, but the term of office of such Police Judge, so elected at the same time as a Mayor is elected, shall be for two years only, so that every two years as hereinafter provided, there shall be elected two Commissioners and a Mayor or two Commissioners and a Police Judge, as the case may be."

Amend line 31, Sec. 6 (page 6), by striking out the words "four" and substituting the word "two."

Amend line 1 of Sec. 8 (page 8), by striking out the word "one" and substituting the word "two," and line 2, Sec. 8 (page 8), by striking out the word "Commissioner" and substituting the word "Commissioners."

Mr. Marshall moved that the Senate do now concur in said amendment.

Said motion was agreed to.

The Senate then took up for consideration said bill, as amended.

(For bill see Journal of Feb. 11, 1914.)

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Joe F. Bosworth	W. A. Fröst
Charles Arnett	Hiram M. Brock	Seldon R. Glenn
T. F. Bagby	Nim R. Cobern	Webster Helm
W. J. Bale	John H. Durham	J. B. Hiles
W. W. Booles	John F. Ford	Chas. H. Knight

S. L. Marshall	Sam L. Robertson	Mitchell Vincent
C. F. Montgomery	Dr. H. G. Sanders	W. F. Welch
W. B. Moody	Robert H. Scott	J. R. Zimmerman
T. J. Moore	G. G. Speer	
J. F. Porter	J. T. Tunis	—28

Mr. Frost moved to reconsider the vote by which the Senate passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 196. An Act to create and establish a system of public State roads and to provide for the construction and maintenance thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Commissioner of Public Roads shall have general supervision over all public roads and bridges which are being constructed, improved or maintained in whole or in part by aid of State money, prescribe rules and regulations, not inconsistent with law, fixing the duties of County Road Engineer and their employes in respect to all public roads and bridges composing the public road system of the State and determining the method of construction; such rules and regulations before taking effect, to be printed and transmitted to the public officials affected thereby; compel compliance with laws, rules and regulations to public roads and bridges by

road officials and see that the same are carried into full force and effect, aid County Road Engineers and their employes in establishing grades, preparing suitable systems of drainage, and to advise with them as to the construction, improvement and maintenance of public roads and bridges; cause plans, specifications and estimates to be prepared for the repair and improvement of public roads and the construction and repair of bridges when requested upon the various methods of road construction adapted to the different sections of the State, and as to the best methods of construction and maintenance of public roads throughout the State, and to collect such information thereto as he shall deem expedient; cause meetings to be held in each county for the purpose of furnishing such general information and instructions, maintenance and improvement of public roads and bridges and the application of the road laws and the rules of the department, and also for the purpose of hearing complaints. He shall notify the county engineer of his intention to hold such meetings, specify the date and place thereof; aid at all times in promoting public roads improvements throughout the State, and perform such other duties and have such other powers in respect to public roads and bridges as may be imposed or conferred upon him by law.

§ 2. That there is hereby created a system of public State highways, which shall be composed and be all the roads to which State aid is furnished.

§ 3. To provide means whereby the State of Kentucky may aid the counties of the State in surveying and making maps of the public roads located therein, for locating and constructing new roads, for reconstruction of old roads, for relocating and constructing roads already established as public roads, and to pay the State share in the cost of such work, there is hereby set apart and created in the treasury of the State of Kentucky a fund to be hereafter known as the State

Road Fund and to be collected and disbursed as set forth in this Act.

§ 4. There shall be levied and collected and paid into the treasury of the State in the same manner prescribed by law for the levying, collecting and paying into the State Treasury of other State taxes, a special tax to be known as the State road tax. The State Road tax shall be set apart in the treasury of the State to the credit of the State Road Fund to be disbursed and conditioned as is now or may hereafter be prescribed by law for the disbursement of the State road fund for the permanent improvement of public roads of the State in co-operation with the counties. The State road taxes on all real, personal, franchises, and all intangible property not exempt from taxation shall be for the year nineteen hundred and fifteen and every year thereafter five cents on every one hundred dollars' valuation thereof.

§ 5. The money hereby set apart in the State Treasury to the credit of the State road fund shall be apportioned among the several counties applying for State aid in the manner hereinafter provided, and the amount so proportioned shall be based upon the amount of taxes levied and collected therein for the building, and reconstruction of public roads, and including the taxes collected from year to year to pay the interest on or create a sinking fund for any bonded indebtedness, which may hereafter be created by any county to construct or reconstruct public roads, until such county shall have received from the State road funds an amount equal to one-half of the moneys appropriated for building roads by said county whether the sum thus appropriated be from the sale of bonds or from direct taxation. Provided, that said sum shall be expended in constructing or reconstructing public roads under the direction of the Commissioner of Public Roads.

It is further provided that any county voting bonds and expending the proceeds of same in building public roads under the direction of the Commissioner of Public Roads may, in

case the amount thus expended exceeds the proportional amount said county may be able to secure from the State road fund, then in that event, said county shall be entitled to receive from the State road fund in subsequent years such further amounts as will make the total amount received from said fund equal to one-half of the moneys expended by said county under the direction of the Commissioner of Public Roads. Provided, that the said county shall expend said funds thus secured in constructing or reconstructing public roads. Provided, further, that no one county shall receive in any one year more than two per cent of the amount collected for State road fund. The amount of taxes upon which this apportionment is based shall include all districts and county road taxes and any tolls levied and collected for the construction or reconstruction of any hard surfaced roads of the counties applying for State aid. Any balance remaining in the State road fund after one year's apportionment shall be retained and included in the next year's apportionment.

§ 6. If any county shall not avail itself of the aid from the State apportionment under the provisions of this Act then and in that case the amount so apportioned shall remain in the Treasury of the State to the credit of the State road fund to be again apportioned among the counties of the State at the next annual apportionment.

§ 7. The fiscal court of any county may pass a resolution stating that the public interest demands the improvement of a public road or section thereof within the county, and requesting that it be constructed or reconstructed as provided in this Act. Such resolutions shall contain a description of such public road or section thereof. Such public road or section thereof shall not include any portion of the public road within an incorporated city, town or village, unless it is necessary to complete the connection of such improved road with

the public road already improved or to be improved under this Act.

The town council or other governing body, the mayor or chief executive officer respectively of any town, village or other municipality, shall have the power and shall perform all the duties as are in this Act required by the county court of the county and the sheriff of the county respectively.

Any of the said municipalities may raise by taxation, funds to pay the cost of construction of any road or roads or may issue bonds for the payment of the same in the manner prescribed by law, it being the expressed intention of this section to confer upon towns and village or other municipalities full power to improve any road or section of road under the provisions of this Act, all proceedings conforming as nearly as possible the provisions of this Act.

Any such road or section of road so constructed by any town or village or other municipality other than the county shall be exclusively under the jurisdiction of such town, village or other municipality, and shall be repaired and maintained by such municipality.

§ 8. When more roads are petitioned for in any county than can be constructed in any one year, the fiscal court of the county with the consent of the State Commissioner of Public Roads shall have power and authority to select from the roads petitioned for the ones first to be constructed, having due regard for the most important road and the distribution of the benefits of this Act to all parts of the county.

§ 9. The term "improvement" as used in this Act shall mean any work whether engineering or construction work which is done according to plans agreed upon by the State Commissioner of Public Roads and the fiscal court, and which tends toward and has for its ultimate object the permanent location and improvement of any public road or section thereof within the county by the construction of macadamized road or telford or other stone road or roads constructed of

gravel or other similar materials, or an earth road, the surface of which is properly crowned, ditched and smoothed, so that water will not be retained thereon, or a road constructed of asphaltum, brick or other paving materials, in such manner that the same, of whatever materials constructed, shall, with reasonable repairs thereto at all seasons of the year, be firm, smooth and convenient for travel.

§ 10. The said fiscal court after the passage of the resolution shall, if it be construction work, cause a survey of said road so to be improved to be made, and plans, profiles and specifications of the work to be done on the same, to be prepared. The survey shall indicate the width and length of said road, and shall also show how much of said road may be improved by deviation from the existing lines. When the said plans, profiles and specifications shall have been prepared, they shall be submitted to the fiscal court of the county, together with an estimate of the cost of the work, for its approval or rejection. If such court shall approve the same, they shall then be submitted to the State Commissioner of Public Roads for his approval or rejection, and it shall be his duty, before approving said plans, profiles and specifications to ascertain by personal inspection or otherwise the natural character of the soil upon which such road is proposed to be constructed and any and all other facts that he may deem important.

If after examination of the plans, profiles and specifications and an inspection of the road, as aforesaid, he shall be satisfied as to the advisability of the improvement of the road as contemplated, and that one-half of the cost of construction of said road, together with one-half of the cost of construction of all other roads or section of roads in the State, under plans and specifications previously approved by him, will not in any one fiscal year exceed the sum set apart in the treasury of the State to the credit of the State road fund, and available for the county according to the provisions of

this Act, or such other sum as may in any year be apportioned for that purpose, then he shall approve the said plans, profiles and specifications; otherwise he shall reject the same.

§ 11. Within thirty days after the approval of the plans, profiles and specifications by the State Commissioner of Public Roads, it shall be the duty of the clerk of the fiscal court to advertise for bids for said work in at least one paper of general circulation, published or circulated in said county, for two weeks successively at least once in each week. This advertisement shall state the place where the bidders may examine said plans, profiles, and specifications and at the time and place where bids for the said work will be received by the fiscal court. Each bidder must accompany his bid with a bond or certified check, payable to the sheriff of the county for a reasonable sum, to be fixed by the county judge and approved by the State Commissioner of Public Roads as a guarantee that if the said work is awarded to him he will enter into a contract with the said fiscal court for the same. The contract let by the fiscal court must be accompanied with a bond executed by the successful bidder, in a sum of at least the estimated cost of the said work with two or more sureties, freeholders of the county, or a surety or a trust company authorized to transact business within this State, to be approved by the county court conditioned upon the faithful performance of said work in strict conformity with the plans, profiles and specifications for the same. The contract, before any work is done thereunder, must be submitted to the State Commissioner of Public Roads for his approval in writing thereon, and said Commissioner of Public Roads is hereby authorized, whenever in his judgment the best interests of the State requiring him to do so, reject the same; in which case he shall write upon the said contract the word "rejected" and append thereto his signature and official title of office, and the said contract and the bond required to accompany the same shall upon the time of such rejection be absolutely

null and void; but such rejection shall in no wise operate to prevent said court from re-advertising for bids as herein set forth, and proceeding thenceforth under the provisions of this Act, provided it is done in four months after such rejection.

§ 12. The time and manner of payment for work done under any contract awarded under this Act shall be set forth in said contract, and at least five per centum of the contract price shall not be paid to the contractor until after the expiration of one year from the completion of the work and acceptance thereof in writing by the Commissioner of Public Roads.

§ 13. A true copy of all specifications, bids, contract, bonds and approval of surety, certified to be such by the judge of the county court, shall immediately after the award of any contract be furnished by the said court to the State Commissioner of Public Roads and to be filed and remain a record in the office of the said Commissioner.

§ 14. Immediately after the awarding of said contract under the provisions of this Act, the State Commissioner of Public Roads shall appoint a competent inspector to inspect the work required to be performed under such contract who shall receive for his services while actually engaged at work, if not otherwise paid, the sum of three dollars per day, to be paid out of the sum apportioned to said county for the one-half of the cost, as all roads constructed under this Act. Such inspector before assuming the duties of his office shall make and subscribe to an oath, or affirmation before any officer authorized to administer the same, that he will faithfully and to the best of his ability and understanding perform all the duties of his office. The State Commissioner of Public Roads may, however, summarily discharge any inspector and may employ a new inspector in the place of the one so discharged.

§ 15. Where any contract provides for partial payment based upon the amount of work done, it shall be the duty of the inspector as each payment becomes due, to present

to the fiscal court a certificate signed by such inspector and the County Road Engineer, in which certificate shall be stated as nearly as can be the amount of work done for which payment is to be made and that the same has been done in all respects in strict compliance with the contract, plans and specifications. When the work under contract shall have been fully completed the inspector and County Road Engineer shall prepare a detailed and itemized statement in quadruplicate of the cost of the improvement, certifying the same, one copy of which shall be filed with the fiscal court of the county, one with the County Road Engineer and two with the State Commissioner of Public Roads.

All payments due to any contractor or contractors or others under the provisions of this section, shall, when certified to by the inspector and County Road Engineer, be presented to the county court and if found to be correct shall, upon the order or warrant of said court, signed by the judge thereof, be paid by the county treasurer.

§ 16. If the work agreed upon by the Fiscal Court of the county and the State Commissioner of Public Roads shall, in any case, be only surveys of public roads and the making of maps for the same for the purpose of indicating the changes to be made therein according to some definite plan for an extended system of permanent improvements on the roads as indicated in Section 7 of this Act, then it shall not be necessary for the county clerk of the county to advertise for bids and let the contract as provided in this Act for the permanent improvement of the public road, but such work shall be done in co-operation with the County Road Engineer and the State Commissioner of Public Roads and according to the plans and general directions of the Commissioner, and for the purpose the State Commissioner of Public Roads may employ other persons to assist him in this work; and the total expenses incurred thereby shall be borne in the same proportion by the district, the county and the State as is pro-

vided in this Act for the payment of the total cost of permanent improvement of the public roads by State aid.

§ 17. The County Road Engineer shall keep an itemized account of the work done and he shall make monthly statements thereof in quadruplicate, setting forth the name of each person so employed, the compensation per day and each item of expense together with the date thereof, which statement of account shall be signed and sworn to by the Road Engineer, one copy of which shall be retained by him and one copy shall be filed with the county court and the two other copies shall be sent to the State Commissioner of Public Roads, and if found correct, shall be paid in the same manner as prescribed in this Act, for the payment of contract work for the permanent improvement of the public roads.

§ 18. One-half of the cost of all roads built under the provisions of this Act shall be paid out of the moneys set apart in the Treasury of the State to the credit of the State road fund and not otherwise appropriated. It is the purpose of this Act that the State shall pay one-half and the county one-half of the cost of all construction or reconstruction of all roads in which State funds are used. But no portion of the cost of acquiring any necessary land or right-of-way, nor any part of any damages incurred, awarded or paid shall be paid out of the money contributed by the State.

§ 19. The State Commissioner of Public Roads shall certify from time to time to the State Auditor, when a road is completed to the satisfaction of the Commissioner of Public Roads, the amount to be paid the county, and the State Auditor shall draw his warrant for the amount so certified on the State Treasurer in favor of the treasurer of the county and the State Treasurer shall thereupon pay the same to the treasurer who shall be the custodian thereof and shall be accountable therefor to the fiscal court of the county.

§ 20. Any road constructed under the provisions of this Act and after the plans, specifications and contracts have

been approved by the State Commissioner of Public Roads, if it is deemed advisable by the fiscal court of the county and the State Commissioner of Public Roads to change the plans, if it costs less than the original contract, the difference between the cost and the amount of the original contract shall be deducted from the original contract. If the cost be more than the original contract the difference shall be added. All changes in plans and specifications shall have the approval of the fiscal court of the county and the State Commissioner of Public Roads.

§ 21. Any road constructed or reconstructed under the provisions of this Act shall forever hereafter be a county road and the duty of keeping the same in repair devolves upon the fiscal court of the county to be maintained out of the general county fund as provided by law, and all other powers and duties respecting such road shall be imposed upon and invested in the said fiscal court. Provided, however, that nothing in this Act shall divest the municipal authorities of any town or village of their power to construct, grade, curb, pave or repair the sidewalks along said county road nor shall this power of said governing bodies divest the fiscal court of their rights to construct across or under sidewalks, necessary culverts or otherwise provide for the maintenance of such county road.

§ 22. The fiscal court of any county receiving State aid shall appropriate sufficient money to keep in good repair and free from obstructions any and all roads in its boundaries now properly constructed and in good repair and all roads constructed under this Act. The cost of all repairs and removals of obstruction shall be paid by the treasurer of the county upon the order of the county court signed by the judge thereof; and all bills for repairs or for removal of obstructions shall be verified by affidavit, and shall be certified to be correct by the County Road Engineer.

§ 23. It is hereby provided that a common carrier shall

not charge to exceed there mills per ton mile for the transportation of any material to be used in building public roads.

§ 24. The provisions of this Act shall extend to the improvements of any road or section of road constituting a boundary line between two counties, whenever an agreement therefor shall be adopted by the fiscal court of both counties.

Provided that in any county where no County Road Engineer is employed, that the duties imposed upon him under the provisions of this Act shall be assumed by the fiscal court of said county or the person or persons having charge of the fiscal affairs of said county.

§ 25. If at any time the United States Government shall appropriate money to aid the States of the United States, in building public roads, the Commissioner of Public Roads is hereby empowered to enter into such co-operative agreement with the United States Government as is required by the laws of the United States for the purpose of obtaining such State aid in building roads, and the total amount of money raised by this Act shall be available for use in making such co-operative agreement. Any agreement so entered into shall be approved by the Board of Sinking Fund Commissioners before same shall become effective. In the event it should at any time prove that said co-operative work is not being conducted to the best advantage to the State, the Commissioner of Public Roads is hereby authorized to withdraw from such co-operative work, when so advised by the Board of Sinking Fund Commissioners, upon such terms as may be permitted by law, and as are just and equitable.

§ 26. All Acts or part of Acts in conflict herewith are hereby repealed.

Mr. Porter proposed the following amendment, viz.:

Amend Section 1 by striking out after the word "shall," in line 1, all words down to and including the word "effect," in line 11.

Said amendment was disagreed to.

Mr. Montgomery proposed the following amendment, viz.:

Amend by adding to Section 4, at the end thereof, on page 3, in line 12, as printed, the following: "Provided, that this Act shall take effect only after having been submitted to a vote of the legal voters of Kentucky at the next general election at which General Assembly is elected, and only in case a majority of the votes cast thereon shall be in favor of the levying of said five per cent tax, and same shall be submitted as provided by law for the submission of constitutional amendments."

Said amendment was disagreed to.

The yeas and nays being required thereon, by Messrs. Montgomery and Porter, were as follows, viz.:

Those voting in the affirmative were—

W. W. Booles	C. F. Montgomery	G. G. Speer
John F. Ford	W. B. Moody	J. T. Tunis
W. A. Frost	H. G. Overstreet	Mitchell Vincent
Walker C. Hall	J. F. Porter	J. R. Zimmerman
Webster Helm	Dr. H. G. Sanders	
J. B. Hiles	Robert H. Scott	—16

Those voting in the negative were—

Robert Antle	Nim R. Cobern	T. J. Moore
Charles Arnett	John H. Durham	Sam L. Robertson
T. F. Bagby	Seldon R. Glenn	M. O. Scott
W. J. Bale	C. Holman	W. F. Welch
Joe F. Bosworth	Hite Huffaker	J. H. Williams
Hiram M. Brock	Chas. H. Knight	
J. Will Clay	S. L. Marshall	—19

Mr. Moody proposed the following amendment, viz.:

Amend House Bill 196 by striking out the fourth section thereof.

Said amendment was disagreed to.

Mr. Porter proposed the following amendment, viz.:

Amend Section 6 by striking out all words after the word "apportioned," in line 4, and inserting in lieu thereof the words "to the county entitled to same the previous year."

Said amendment was disagreed to.

Mr. Frost moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Tunis moved that reading of said bill, H. B. 196, by section be discontinued.

Said motion was agreed to.

Mr. Cobern moved the previous question.

The President then announced: "Shall the main question be now put?"

And the question being taken thereon it was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of the provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	J. B. Hiles	Sam L. Robertson
Charles Arnett	D. H. Hildreth	Dr. H. G. Sanders
T. F. Bagby	C. Holman	M. O. Scott
Joe F. Bosworth	Hite Huffaker	J. T. Tunis
Hiram M. Brock	Chas. H. Knight	W. F. Welch
Nim R. Cobern	S. L. Marshall	J. H. Williams
John H. Durham	T. J. Moore	—20

Those voting in the negative were—

W. W. Booles	Webster Helm	Robert H. Scott
J. Will Clay	C. F. Montgomery	G. G. Speer
John F. Ford	W. B. Moody	Mitchell Vincent
W. A. Frost	H. G. Overstreet	J. R. Zimmerman
Walker C. Hall	J. F. Porter	—14

Resolved, That the title of said bill be as aforesaid.

Mr. Bosworth moved to reconsider the vote by which the Senate passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Glenn announced that he was necessarily out of the Senate Chamber and did not have an opportunity to vote on the above named bill, when the roll was called, but, if present, would have voted “no.”

Mr. Frost moved that the Senate do now adjourn until 7:30 o'clock p. m. today.

Said motion was agreed to.

And the Senate adjourned.

EVENING SESSION.

At 7:30 o'clock the Senate reconvened pursuant to the order of adjournment.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 440. An Act to amend an Act entitled "An Act to incorporate the Kentucky Confederate Home and provide for the maintenance thereof," approved March 27, 1902; amended March 26, 1904; March 21, 1906; March 19, 1910, and March 18, 1912.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, Heretofore the appropriations for the Kentucky Confederate Home have averaged the sum of \$10,431.00 per quarter; and,

Whereas, The average age of the persons now inmates of the Kentucky Home is seventy-five years, and increasing infirmities of the said inmates, who, in large number, are now in the infirmary, makes it necessary to have a fixed income, instead of per capita:

Therefore, be it enacted, That for a period of four years, commencing April 1st, 1914, there is hereby appropriated for the maintenance and support of the Kentucky Confederate Home, the sum of ten thousand two hundred and eighty dollars (\$10,280.00) quarterly; and the Auditor of the State of Kentucky is hereby directed to draw his warrant on the Treasurer of the State of Kentucky, on the first of every quarter, in favor of the Treasurer of the Kentucky Confederate Home, for said sum of ten thousand two hundred and eighty dollars (\$10,280.00), and which is to be used and set apart for the clothing, feeding, maintenance of the inmates, and operation of said Confederate Home; and which is to be in lieu, for the period of four years, of the per capita of \$175.00 heretofore provided for each inmate of the Home.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John H. Durham	Chas. H. Knight
Charles Arnett	John F. Ford	S. L. Marshall
W. W. Booles	W. A. Frost	C. F. Montgomery
Joe F. Bosworth	Seldon R. Glenn	W. B. Moody
Hiram M. Brock	Walker C. Hall	H. G. Overstreet
J. Will Clay	J. B. Hiles	J. F. Porter
Nim R. Cobern	C. Holman	Sam L. Robertson

Dr. H. G. Sanders	J. T. Tunis	J. R. Zimmerman
M. O. Scott	Mitchell Vincent	
G. G. Speer	W. F. Welch	—28

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 279. An Act fixing the amount of bond of the wardens of the Kentucky Penitentiary at Eddyville, and the Kentucky Reformatory at Frankfort, Kentucky, and the deputy warden thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the bond of the Warden of the Kentucky Penitentiary at Eddyville, and the bond of the Warden of the Kentucky Reformatory at Frankfort, shall be, and the same is, reduced to fifteen thousand (\$15,000.00) dollars, each; and the bond of each of the Deputy Wardens and of the Assistant Deputy Wardens at said penitentiary and reformatory, shall be, and the same is reduced to six thousand (\$6,000.00) dollars.

All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken upon the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	J. F. Porter
Charles Arnett	Seldon R. Glenn	Sam L. Robertson
W. W. Booles	Walker C. Hall	M. O. Scott
Joe F. Bosworth	J. B. Hiles	G. G. Speer
Hiram M. Brock	C. Holman	J. T. Tunis
J. Will Clay	S. L. Marshall	Mitchell Vincent
Nim R. Cobern	C. F. Montgomery	J. H. Williams
John H. Durham	W. B. Moody	J. R. Zimmerman
John F. Ford	H. G. Overstreet	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved that the vote by which the Senate had passed said bill be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz.:

S. B. 215. An Act to repeal an Act entitled “An Act to amend the charter of the Twelve Mile Turnpike Company,”

approved January 22, 1867, and is Chapter 1069 of the Session Act of 1867, and is Chapter 62 of the Session Acts of 1898.

A message was received from the House of Representatives announcing that they had passed a bill, which originated in the Senate, with amendment thereto, of the following title, viz.:

S. B. 63. An Act to repeal and re-enact an Act entitled: "An Act granting pensions to indigent and disabled Confederate soldiers," which act became a law March 11, 1912.

Said amendment reads as follows, viz.:

It is ordered that Senate Bill No. 63 be amended by adding to Section 6, after line 25 on page 6, the following words, to-wit:

"Any soldier who was compelled, at any time during the last six months of the war, to take the oath of allegiance to the United States Government, by sickness or starvation while in prison or by duress while out of prison, to save his life as he verily believed at the time he took such oath, such soldier shall not be adjudged a deserter, but he shall have the same rights to a pension as if he had been honorably discharged, or as if he had taken such oath of allegiance at the close of the war.

Mr. Hall moved that the Senate reject said amendment.

The question being taken upon said motion, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Glenn and Booles, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Webster Helm	W. B. Moody
Hiram M. Brock	D. H. Hildreth	Sam L. Robertson
John H. Durham	Hite Huffaker	Mitchell Vincent
W. A. Frost	Chas. H. Knight	W. F. Welch
Walker C. Hall	C. F. Montgomery	—14

Those voting in the negative were—

Charles Arnett	J. B. Hiles	Robert H. Scott
W. W. Booles	C. Holman	G. G. Speer
Joe F. Bosworth	S. L. Marshall	J. T. Tunis
J. Will Clay	H. G. Overstreet	J. H. Williams
Nim R. Cobern	J. F. Porter	J. R. Zimmerman
John F. Ford	Dr. H. G. Sanders	
Seldon R. Glenn	M. O. Scott	—19

Mr. Williams moved that the Senate do now concur in said amendment.

Said motion was agreed to.

The question was then taken upon the passage of said bill as amended and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	H. G. Overstreet
W. W. Booles	Seldon R. Glenn	Sam L. Robertson
Joe F. Bosworth	J. B. Hiles	Dr. H. G. Sanders
J. Will Clay	D. H. Hildreth	M. O. Scott
Nim R. Cobern	C. Holman	Robert H. Scott
John F. Ford	W. B. Moody	G. G. Speer

J. T. Tunis J. H. Williams J. R. Zimmerman
Mitchell Vincent —??

Resolved, That the title of said bill be as aforesaid.

Mr. Williams moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that they had passed a bill which originated in the House of Representatives, with an amendment thereto, of the following title, viz.:

S. B. 258. An Act to create the Sixteenth, Nineteenth, Twenty-eighth and Twenty-ninth Senatorial District.

Said amendment reads as follows, viz.:

Amend Senate Bill 258 by striking out of Section 1, line 1, after the word “Nineteenth” down to the word “Senatorial,” in the second line of said section, the words eliminated being “Twenty-eighth and Twenty-ninth,” and all of Sections 3 and 4.

Amend title by striking out “28th” and “29th.”

Mr. M. O. Scott moved that the Senate do now concur in said amendment.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brock and Antle, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	Webster Helm	J. F. Porter
W. W. Booles	J. B. Hiles	Sam L. Robertson
Nim R. Cobern	D. H. Hildreth	Dr. H. G. Sanders
John H. Durham	Hite Huffaker	M. O. Scott
John F. Ford	Chas. H. Knight	Robert H. Scott
W. A. Frost	S. L. Marshall	G. G. Speer
Seldon R. Glenn	C. F. Montgomery	Mitchell Vincent
Walker C. Hall	H. G. Overstreet	—23

Those voting in the negative were—

Robert Antle	C. Holman	W. F. Welch
Joe F. Bosworth	W. B. Moody	
Hiram M. Brock	J. T. Tunis	—7

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	Webster Helm	J. F. Porter
T. F. Bagby	J. B. Hiles	Dr. H. G. Sanders
W. W. Booles	D. H. Hildreth	M. O. Scott
Nim R. Cobern	Hite Huffaker	Robert H. Scott
John H. Durham	Chas. H. Knight	G. G. Speer
John F. Ford	S. L. Marshall	Mitchell Vincent
W. A. Frost	C. F. Montgomery	J. H. Williams
Seldon R. Glenn	W. B. Moody	
Walker C. Hall	H. G. Overstreet	—25

Those voting in the negative were—

Robert Antle

Hiram M. Brock

J. T. Tunis

Joe F. Bosworth

C. Holman

W. F. Welch

—6

Resolved, That the title of said bill be as amended.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Speer made the point of order that the session of the General Assembly of 1914 will end tonight, March 16th instead of tomorrow night, March 17.

The President ruled the point of order not well taken.

Mr. Williams, of the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz.:

H. B. 154. An Act to provide a stenographer for the county judge of counties having a population of two hundred thousand or over.

H. B. 192. An Act to change the time of the circuit courts in the county of Cumberland, in the 29th Judicial District.

H. B. 2. An Act to amend Subsection 2 of Section 3490, Chapter 89, Kentucky Statutes.

H. B. 57. An Act relating to the drainage of land, the duties of the owners thereof through which ditches, drains, creeks, or non-navigable streams pass, prescribing the method of procedure, the assessments and collection of the cost and expense thereof, and prescribing the duties of officers thereto.

H. B. 159. An Act to amend and re-enact Sections 3957 and 3958, Chapter 105, Kentucky Statutes, Carroll's Edition 1909, relating to public printing and binding and stationery, being an act of June 20, 1893.

And found the same correctly enrolled.

Said bills were then compared by the clerk in open session of the Senate and found to be correctly enrolled. Thereupon, the President affixed his signature thereto, and they were delivered by the clerk to the House of Representatives.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 70. An Act to provide for extension of school term of common schools of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.:

§ 1. That whenever the State Superintendent of Public Instruction shall declare a per capita not less than \$4.75 nor more than \$5.35 per each child in Kentucky between the age of six and twenty years, who are entitled to same, the school

term for the common schools of the State of Kentucky shall be extended from six to seven months, and when said per capita is declared to be over \$5.35, said term shall be extended to eight months. The declaration of said per capita as above alone extending said term, but in no event shall the term be less than six months, as now required by law.

When the school term is extended to seven months, the school fund for that year shall be divided into seven equal installments, and when extended to eight months, into eight equal installments. The first six installments are to be paid at same date as now required by law for six month schools, and when the term is only seven months, the last month shall be paid for on the second Saturday in March of each year, and when eight months, the two last months shall be paid for the second Saturday of March and the second Saturday of April, respectively.

§ 2. All laws and parts of law in conflict with this Act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Hiram M. Brock	John F. Ford
W. W. Booles	J. Will Clay	W. A. Frost
Joe F. Bosworth	Nim R. Cobern	Seldon R. Glenn

Walker C. Hall	W. B. Moody	J. T. Tunis
Webster Helm	H. G. Overstreet	Mitchell Vincent
J. B. Hiles	J. F. Porter	W. F. Welch
D. H. Hildreth	Dr. H. G. Sanders	J. H. Williams
C. Holman	Robert H. Scott	J. R. Zimmerman
S. L. Marshall	G. G. Speer	—26

Resolved, That the title of said bill be as aforesaid.

Mr. Williams, of the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz.:

S. B. 313. An Act changing the name of the Capitol Square Police to Executive Marshal, and prescribing his duties and fixing his compensation.

And found same correctly enrolled.

Said bill was then compared by the clerks in open session of the Senate and found to be correctly enrolled. Thereupon the President affixed his signature thereto and it was returned by the clerk to the House of Representatives for comparison and the signature of the Speaker of that body.

Mr. Speer moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Speer and Welch, were as follows, viz.:

Those voting in the affirmative were—

W. W. Booles	Nim R. Cobern	John F. Ford
J. Will Clay	John H. Durham	D. H. Hildreth

C. Holman	H. G. Overstreet	W. F. Welch	
Hite Huffaker	Dr. H. G. Sanders		
Chas. H. Knight	G. G. Speer		—13

Those voting in the negative were—

Robert Antle	Walker C. Hall	Robert H. Scott	
Charles Arnett	Webster Helm	J. T. Tunis	
Joe F. Bosworth	J. B. Hiles	Mitchell Vincent	
Hiram M. Brock	S. L. Marshall	J. H. Williams	
W. A. Frost	W. B. Moody	J. R. Zimmerman	
Seldon R. Glenn	T. J. Moore		—17

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 86. An Act to provide for the search of premises in local option territory where intoxicating liquors are sold, are suspected of being sold, for the seizure of such intoxicating liquors, for the arrest of the person, or persons in charge of such premises or intoxicating liquors, and for the purpose of declaring such intoxicating liquors contraband and direct their confiscation and destruction.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county, city, town, district or precinct, where the sale of intoxicating liquors has been prohibited, or may be prohibited, whether by special Act of the General Assembly or by vote of the people under the local option law of this State, any judge or justice of the peace, when affidavits

of three or more reputable persons are filed with him describing the premises as nearly as may be, where intoxicating liquors are sold or suspected of being sold, may by his warrant cause any house or building or other place to be searched by night or by day for the detection of any intoxicating liquors which are kept there for the purpose of sale and if admission be not given on demand-made, the officer or other person in charge of the warrant shall force an entrance into such house, building or other place and seize any intoxicating liquors and arrest the keeper or person in charge of such house, building or other place, or intoxicating liquor and carry such person or persons before the judge or justice of the peace issuing the warrant or before some other judge or justice of the peace to be dealt with according to law.

§ 2. That upon conviction of the person or persons in charge of the house, building or other place, or the intoxicating liquors, the judge, justice of peace or court trying such offender or offenders shall adjudge the intoxicating liquors so seized contraband and confiscate the same at once unless notice of an appeal or an appeal of the case be taken. When a notice of appeal of the case is given or an appeal taken the judge, justice of the peace or court trying the case shall keep such intoxicating liquors in his possession until the case is finally determined and he shall then dispose of such intoxicating liquors as the final judgment may determine.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	M. O. Scott
Charles Arnett	J. B. Hiles	Robert H. Scott
W. W. Booles	D. H. Hildreth	G. G. Speer
Joe F. Bosworth	Hite Huffaker	J. T. Tunis
Hiram M. Brock	S. L. Marshall	Mitchell Vincent
J. Will Clay	C. F. Montgomery	W. F. Welch
Nim R. Cobern	W. B. Moody	J. H. Williams
John H. Durham	T. J. Moore	J. R. Zimmerman
John F. Ford	H. G. Overstreet	
W. A. Frost	Dr. H. G. Sanders	—28

Those voting in the negative were—

Walker C. Hall	C. Holman	Chas. H. Knight
		—3

Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate of the following titles, viz.:

S. B. 15. An Act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first and second class.

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in said State.

S. B. 199. An Act relating to the sale and use of tobacco and cigarettes and providing punishment for violation thereof.

S. B. 179. An Act to amend Section 2 of an Act entitled "An Act to provide for the investigation of fires in this Commonwealth, and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistance to the Fire Marshal; fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigations of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

S. B. 91. An Act to regulate the labor and employment of children and minors and to make the provisions thereof effective.

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a commission to be known as "The Kentucky Illiteracy Commission," and to provide for the duties and powers thereof.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent acts amendatory thereof, all relating to revenue and taxation.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

PROPERTY SUBJECT TO TAXATION

AND GENERAL PROVISIONS.

§ 1. State Tax Levy—An annual tax of 50 cents upon each one hundred dollars of value of all property directed to be assessed for taxation, as hereinafter provided, shall be paid by the owner, person, or corporation assessed. The aggregate amount of tax realized by all assessments shall be for the following purposes: 21 1-2 cents for the ordinary expenses of the Government, 26 cents for the support of the common schools, 2 cents for the use of the Sinking Fund, 1-2 of one cent for the Agricultural and Mechanical College, as now provided by law by an act, entitled “An act for the benefit of the Agricultural and Mechanical College, now State University, approved April 29, 1880, including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college, and who continue students for a period of ten months, unless unavoidably prevented.”

§ 2. Property Subject to Taxation—All property within the jurisdiction of or having a taxable situs in this State, not exempt by law, shall be subject to taxation.

§ 3. Lien on Property for Taxes Due State, County, Town—The Commonwealth, and each county, incorporated city, town, or taxing district, shall have a lien on the property assessed for the taxes due them respectively which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale, or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands, or improvements, or per-

sonal property shall not be assessed in any one year, it may be assessed retrospectively in the manner provided for by law, for that year, at any time not later than five years thereafter. The lien thereby accrued shall not prejudice the rights of purchasers acquired in the meantime. A tax levied and assessed upon personal property shall also create a lien on any real estate situated in the same county and owned at the time such assessment was made by the person to whom the personal property was assessed.

§ 4. Definitions—For purposes of taxation, the following definitions shall rule:

First. Property—The term “Property” includes all real estate and all personal property.

Second. Real Estate—The term “real estate” includes: (1) all land; (2) all improvements upon land; (3) all mines, petroleum and gas wells, minerals, and quarries in or under the land; (4) all standing trees; (5) all rights appertaining to the land, to the improvements, to mines, petroleum and gas wells, minerals, quarries, and to standing trees.

Third. Improvements—The term “improvements” includes: all buildings, structures, walls, fences, ditches, drains, shafts, tunnels, borings, and any other things erected upon or affixed to the land.

Fourth. Personal Property—The term “personal property” includes everything capable of private ownership not included in real estate, whether tangible or intangible, and includes all franchises of every class and description of corporations.

Fifth. Situs of Land—Land shall be assessed in the county in which it lies, without reference to conflicting titles.

Sixth. Situs of Tangible Personal Property—The taxable situs of tangible personal property shall, except as otherwise specifically provided by law, be determined as follows:

(a.) Goods, Wares, and Merchandise—Goods, wares, merchandise, capital employed in business, and stock in

trade, except ships or vessels, and stock employed in the business of manufacturing or of the mechanic arts in counties, cities, or towns in this State, other than those in which the owners reside, whether such owners reside within or without the State, shall be taxed in the counties, cities, or other taxing districts in which the owners hire or occupy manufactories, stores, hotels, or offices, shops, or wharves. Vessels plying on the high seas, or in the waters of the United States, whose owners reside in this State shall have their situs at the place of residence of their owners.

(b.) Machinery—Machinery employed in any branch of manufactures, and all personal property within the State leased for profit shall be assessed where located on the day set by law for the assessment.

(c.) Horses, Cattle, Etc.—Horses, mules, cattle, sheep, and swine, kept throughout the year in counties, cities, or towns other than those in which the owner resides, whether such owner resides within or without the State shall be assessed to the owner in the place where they are kept.

(d.) Other Tangible Personal Property—All other tangible personal property shall be assessed where the owner, or his agent, or representative, in whose custody the property may be, resides within this State.

Seventh. Situs of Intangible Personal Property—The taxable situs of intangible personal property when such property consists of privileges, contracts, or other rights, or other intangible personal property, used, exercised, or enjoyed in connection with or appertaining to any real estate or to any tangible property, shall, except as otherwise specifically provided by law, be the same as the situs of the real estate or tangible personal property in connection with which the intangible personal property is used, exercised, or enjoyed, or to which it appertains.

The taxable situs of all other intangible personal property, shall be the place of residence of the owner including notes secured by lien or mortgage.

Eighth. Property Within the Jurisdiction of State—Property within the jurisdiction of the State includes all real estate within the State, all tangible personal property within the State, and all intangible property, rights, or privileges exercised in this State, or created by the laws of this State.

Ninth. Value—The term “value” means the fair cash value of the taxable property, and shall be estimated at the price which the property would bring at a fair voluntary sale.

§ 5. Respective Duties of Holders of Equitable and Legal Title—Fiduciaries—The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property on the day when the assessment is made, shall be liable for taxes thereon; but, as between themselves it should be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment:

Provided, however, That an administrator, executor, trustee, committee, curator, or agent residing in the State shall not be liable for taxes on intangible personal property where the real or beneficial owner of such intangible personal property, held by them or any of them, resides outside of the State; but this exemption shall not apply in the case of an executor or administrator in the exercise of his office as personal representative while the estate of a deceased person is in process of settlement and before the share of the non-resident legatee or beneficiary is set apart to him or before said legatee is entitled to be paid his share.

§ 6. Property Exempt From Taxation—The following property is exempt from taxation: Public Property used for public purposes; property exempt under the laws of the United States; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country;

places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country appurtenant thereto; household goods or other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 7. Shares in Certain Corporations Not to Be Listed—The individual stockholders of any corporation which reports and pays taxes upon all of its property which is in this State, including its corporate and special franchises, whether that property be assessed locally or by the State Tax Board, shall not be required to list their shares of stock in such corporation. The provisions of this section shall extend to individual shareholders in banks and trust companies whose shares are to be listed by and the taxes thereon paid by the banks and trust companies or by the officers thereof, on behalf of the shareholders.

ARTICLE II.

THE STATE TAX BOARD AND COUNTY TAX COMMISSIONERS.

SUBDIVISION I.

THE STATE TAX BOARD.

§ 1. State Tax Board, Membership—There shall be a State Tax Board composed of three members. The Auditor of Public Accounts and the State Treasurer shall be ex-officio members of said board. The other members of said board

shall be a qualified elector of the State, not less than thirty years of age, but no two members of the Tax Board shall reside in the same Congressional District.

§ 2. Appointment and Term.—The Governor shall, immediately after the passage of this act, issue commissions to the Auditor of Public Accounts and the State Treasurer appointing them members of the State Tax Board, and shall appoint one elector, a resident of the State of Kentucky, of not less than thirty years of age. Said board shall serve until the first day of January, 1916. Thereafter said board shall be composed of the Auditor of Public Accounts, the State Treasurer, and a qualified elector of the State, not less than thirty years of age. Said qualified elector shall be nominated at the primary election 1915, and elected at the November election 1915, as other State officers are elected.

§ 3. The member of the board appointed by the Governor shall devote his entire time to the duties of his office; shall not hold any other position of trust or profit or engage in any other occupation or business.

§ 4. The member of the board appointed by the Governor shall receive a salary of Thirty-five Hundred (\$3,500) dollars per annum, payable monthly as other State salaries are paid.

§ 5. Before the members of the State Tax Board enter upon the discharge of their duties they shall take the oath provided in the Constitution for other State officers.

§ 6. Officers and Employees.—The Board shall elect one of their number as chairman, and the State Tax Board is authorized to employ a secretary, appraisers, experts, clerks, bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and the aggregate expense for the central office force of clerks, bookkeepers, and stenographers shall not exceed three thousand dollars per annum. The Tax Board, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistants that

may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the board. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the Commission.

The aggregate expenses for appraisers, and experts, and for traveling expenses shall not exceed five thousand dollars per annum, provided, however, that in any year in which there is to be made a quadrennial appraisalment of real estate as hereinafter in this Act provided, the Tax Board may, with the consent of the Governor, anticipate the allowance for one or more succeeding years, and may use unexpended balances of previous years, but in no case shall the expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

§ 7. Quorum—A majority of the board shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board so long as a majority remains. Any investigation, inquiry, or hearing, which the board is authorized to hold or undertake, may be held by or before any one member of the board, and any decision or order made pursuant thereto shall, if approved and confirmed by the Board, as shown on the records of the Commission, be deemed the decision or order of the board.

§ 8. Seal—The State Tax Board shall have an official seal with the words "The Tax Board of Kentucky" and such other design as the Tax Board may prescribe engraved thereon, by which it shall authenticate its orders and proceedings.

§ 9. Office Rooms, Etc.—The custodian of public buildings shall assign to the State Tax Board suitable quarters in the Capitol Building and shall provide the necessary office furniture. The board may purchase the necessary supplies, books, periodicals, and maps. All necessary expenses shall be audited and paid as other expenses are audited and paid.

§ 10. Sessions—The board shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The board shall keep a record of its proceedings, which shall be a public record. The board may hold sessions at any place within the State. Provided, however, that sessions at which information required to be kept confidential by Subdivision 2, Section 4, of this article, would be disclosed and records of such information, shall not be open to the public.

SUBDIVISION II.

POWERS AND DUTIES OF THE BOARD.

§ 1. General Duties—The State Tax Board shall have general supervision of the entire system of taxation throughout the State, both State and local, including the license taxes and the inheritance tax.

§ 2. State Assessments—The State Tax Board shall exercise all the powers and perform all the duties with reference to the assessment or equalization of the assessments of property for purposes of taxation heretofore exercised or performed by any State Board of Valuation and Assessment, by the Railroad Commission, by the State Board of Equalization, or by any other State board or commission, or State officer, except the Insurance Department in the office of the Auditor of Public Accounts. And all such powers and duties are hereby transferred to the State Tax Board to be exercised and performed exclusively by it. It shall exercise such further powers with reference to State taxes and assessments by State authority as may be conferred upon it by law. It shall be the duty of the Attorney General, when requested by the State Tax Board, to attend the meetings of the board and advise with the same in its proceedings.

Provided, that until the first day of January, 1916, the Auditor, Treasurer and Secretary of State, who, under the

provisions of Section 4077 of Carroll's Statutes of Kentucky, Edition of 1909, constituted the Board of Valuation and Assessment, shall be associated with the members of the State Tax Board, provided for in Sub-division 1 of this article, for the purpose of making the assessments of the franchises and other classes of property heretofore assessed by said Board of Valuation and Assessment. For this purpose, and for said period of time, the said three officers shall exercise the same powers and perform the same duties as are provided in this Act to be exercised by and performed by the board.

§ 3. Special Duties—It shall further specifically be the duty of the State Tax Board, and it shall have power and authority:

(1) Rules—To prescribe rules for its own government and for the transaction of its business. To keep a record of all its proceedings.

(2) Oaths—Each member and the secretary of the board is empowered to administer and certify oaths.

(3) Forms—To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenues in this State, the printing and binding being executed by the public printing contractor for first class work.

(4) Witnesses—To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the board shall have power to investigate or determine.

(5) Examination of Books—To examine the books, accounts, and papers of the individuals, partnerships, companies, associations, and corporations required by law to report to the board, or to send its representative or agent to examine the same, when in the judgment of the board such an examination be necessary for the purposes of assessment and taxation of such individual, partnership, company, association or corporation.

(6) Supervision of Assessors—To have and to exercise general supervision over the local administration of the assessment and tax laws of the State, and over the performance of their duties by assessors, or by the successors to their duties, that is to say, by the county tax commissioners hereinafter in this Act provided for, by boards of supervisors, county clerks, sheriffs, and other county or district officers, so far as the duties of such officers pertain to the public revenues, State or local, all to the end that all assessments of property be made relatively just and equal at true value, and in compliance with law, and that all taxes, licenses, inheritance taxes, and other public charges levied by law shall be duly and fully assessed and collected according to law.

Assessments for Municipal Purposes—Provided, that whenever any municipality shall elect to have the assessment of property within its jurisdiction, and for purposes of city taxation, made by the State Tax Board and its deputies, as elsewhere in this Act provided for, then the authority of this board shall extend over the making of the assessments of the property in such municipality, for municipal purposes.

(7) Conferences—To confer with, advise and direct assessing officers, boards of supervisors and other county or taxing district officers as to their duties relative to taxation under the law.

(8) Prosecutions—To direct that proceedings, actions and prosecutions be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, administering the tax laws of the State and of all persons, officers or agents of corporations, or others required by law to make returns of taxable property for failure or neglect to comply with the provisions of the tax law; and to cause complaints to be made against assessors, boards of supervisors, and other officers, whose duties concern taxation, to any

court of competent jurisdiction for their removal from office for official misconduct or neglect of duty.

(9) Commonwealth Attorneys to Assist—To require the Commonwealth attorneys and county attorneys to assist in the commencement and prosecution of actions and proceedings instituted as provided in paragraph (8) immediately above.

(10) Reports to be Collected—To require reports from county, district, and city officers relative to the assessment of property, collection of taxes, licenses and other revenues, and such other information as may be needful to the work of the board.

(11) Reassessment—To order a reassessment of property or of any class of property in any county or taxing district, when in the judgment of the board such property has not been assessed at its true value to the end that all property in such county or taxing district shall be assessed in compliance with the law.

(12) Visit Counties—To visit the counties in the State, when in their opinion it is necessary for the investigation of the work and the methods adopted by local assessors, boards of supervisors, and other taxing officials, in the assessment, equalization, and taxation of property.

(13) Convention of County Tax Commissioners—It shall be the duty of the State Tax Board to arrange for an annual conference for the County Tax Commissioners at some centrally located place, for systematic instruction in finding, and in the fair and just valuation and assessment of every kind of property subject to taxation under this Act, and as to their practical duties at every step in connection therewith, said conference to continue not more than four days. It shall be the duty of each County Tax Commissioner to attend and take part in such conference unless prevented by illness, or for other reasons satisfactory to the official conducting the conference. Any County Tax Commissioner wilfully failing to attend the conference may be removed

from office by the Circuit Court of the county wherein he was elected. It shall be the duty of each Fiscal Court to pay the actual and necessary expenses of its County Tax Commissioners in attending such conferences, upon duly attested certificates of the State Tax Board, of actual attendance during the entire period for which the conference is held, and that the charges are reasonable.

(14) To inquire into the provisions of the laws of other States and jurisdiction regarding jurisdictions and situs of property for purposes of taxation; to confer with tax commissioners of other States regarding the most effectual and equitable methods of assessment, and particularly regarding the best methods of reaching all property, and avoiding conflicts and duplication of taxation of the same property, and to recommend to the Legislature such measures as will tend to bring about uniformity of methods of assessment and harmony and co-operation between the different States and jurisdictions in matters of taxation.

(15) Violation of Tax Law—To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein the existing laws are defective or improperly or negligently administered, and to take such steps as may be necessary to correct the same.

(16) Confer with Governor—To consult and confer with the Governor upon the subject of taxation and the administration of the laws in relation thereto and the progress of the work of the board and to furnish the Governor from time to time with such assistance and information thereon as he may require.

(17) Report of Board—To transmit to the Governor, for transmission to the Legislature, at least thirty days before the meeting of the Legislature, a report showing in statistical form the taxable property in the State, the taxes thereon and such other matters relating to revenues and taxation as shall be deemed of interest and value, with dis-

cussion and explanation thereof, together with recommendations for the improvement of the system of taxation in the State, and measures for the consideration of the Legislature. Copies of this report shall be printed for information of the Assembly.

(18) To extend, but not by more than thirty days, the time when any assessor or board of supervisors shall complete his or its work on the assessment roll.

§ 4. Information, Confidential—It shall be unlawful for any member or ex-member, the secretary of the board, or any other employe or agent of the board, to divulge any information acquired by him in respect to the transactions, property, or business of any company, firm, corporation, persons, association, co-partnership, or public utility, while in the performance of his duties under this Act. Any violation of the provision of this section shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both at the discretion of the court or the jury, and the guilty person shall be disqualified from office or employment in the board. Provided, however, that the Governor may at any time, by written order, direct that any information herein referred to shall be made public or laid before any court, and in that event it shall not be unlawful to divulge or make known the same. And, provided further, that this prohibition does not extend to any matters required by law to be entered upon any assessment book or roll.

SUBDIVISION III.

COUNTY TAX COMMISSIONER.

§ 1. The office of County Assessor is hereby abolished, but this shall not take effect during the terms of the Assessors now in office, and the office of the County Tax Commissioner is hereby created, but the Assessor now in office shall have all the powers and shall perform all the duties herein pro-

vided for County Tax Commissioners, and such other duties as may be imposed upon them by law, or by the orders of the State Tax Board.

§ 2. The County Tax Commissioners herein provided for shall be elected at the General Election in the year 1917, at the same time when other county officers are elected, for a term of four years, subject to the qualifications provided in this Act, and shall be eligible for re-election.

Penalty for Failure to Qualify.—Any person elected or appointed a County Tax Commissioner, who shall wilfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. Each County Tax Commissioner herein provided for may appoint as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as the State Tax Board may deem necessary, and may remove them at his pleasure. The County Tax Commissioner and his deputies shall read and administer the oath required to be taken by persons whose property is required to be listed for taxation.

The County Tax Commissioner and his deputies, before they enter upon the duties of the office, shall, in addition to the oath prescribed by the Constitution, take the following oath:

Oath.—“I do swear that I will administer to every person listing property of any description the oath prescribed by law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; and I will diligently search and inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and that I will truly report all persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me God.”

Bond.—The County Tax Commissioner shall at the same

time execute a bond to the Commonwealth, with good surety, to be approved by the County Court for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept safely by, the clerk of the County Court, and on which the County Tax Commissioner and his sureties shall be liable for any violation of the duties of his office, by himself or any of his deputies. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

Work to Begin When.—The County Tax Commissioner shall commence the duties of his office on the first day of September in each year, and he shall assess the property in his county by justice's districts, in separate books, and he shall also make a separate book or books for each incorporated city, town, or taxing district (except school districts) of his county, by wards or other sub-divisions, as convenience may require.

Vacancies, How Filled.—In case any person who was elected county assessor or county tax commissioner shall fail to qualify, or after qualifying as county tax commissioner shall die, resign, or be removed from office during his term of office. The vacancy shall be temporarily filled by the county court until his successor shall have been elected as provided by law. The county tax commissioners herein provided for shall, subject to the direction, instruction and supervision of the State Tax Board make the assessment of all property within their counties, except as otherwise provided for, prepare the assessment books, and perform such other duties as may be imposed upon them by law. Any county tax commissioner may be removed from office by the circuit court of the county wherein he was elected, upon petition of the State Tax Board or any taxpayer for willful disobedience of any just or legal order of the State Tax Board, or for misfeasance or malfeasance in office, or willful neglect in the discharge of his official duties, but such officer or peti-

tioner shall have the right to appeal to the Court of Appeals.

Provided that said County Tax Commissioner shall be a resident of the county in which he is elected for at least three years prior to his election.

§ 3. Compensation of County Tax Commissioners—The county tax commissioner shall, after he has returned his tax book and the same has been corrected by the board of supervisors, present to the county court his account verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax book thus corrected; and if said court upon investigation, finds said account to be correct, it shall certify to the auditor the amount due to the county tax commissioner for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million and one and one-quarter cents on each one hundred dollars of the excess over one million, but no county tax commissioner shall be entitled to receive more than three thousand dollars for his services during any year, except in counties containing a city of the first or second class, in which the salary shall not exceed four thousand dollars. In counties in which the assessed value of property exceeds thirty-eight million dollars, the county tax commissioner shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the county tax commissioner shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

County Tax Commissioner's Claim to be Verified—Penalty—Before the county court shall grant such certificate of allowance, the county tax commissioner and his deputies, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of

the county court, viz.: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list has made oath to the truth of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale."

Any county tax commissioner or deputy who shall make affidavit, knowing the same to be false in any particular shall be deemed guilty of false swearing, and, on conviction, be punished accordingly.

Deduction for Failure to do Duty—Payment of County Tax Commissioner—A reduction of fifty cents shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State treasury for eighty per cent of such allowance, and shall draw his warrant on the treasurer for the remainder due the county tax commissioner, as herein provided, after the March session of the fiscal court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the deputy tax commissioner; also the names of any persons duplicated by the deputy tax commissioner. The report of the sheriff shall be certified by the county clerk to the auditor, that the deductions may be made from the county tax commissioner's claim as herein provided. Any assessor who shall willfully or knowingly fail to perform his duty in the assessment of any property shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to an imprisonment in the county jail for a period of not less than five nor more than ten days, and upon a second conviction shall be sentenced for a period of not less than six months and not more than twelve months and shall forfeit his office.

§ 4. Examination of Candidates for the Office of County Tax Commissioners—Before any person's names shall be placed upon the ballot at any primary or regular election as a candidate for the office of county tax commissioner, he shall hold a certificate from the State tax commission that he has been examined by them, and that he is qualified for the office. Within ninety days before any primary or general election at which county tax commissioners are to be elected or nominated, the State Tax Commission shall arrange for examinations to be held to determine the qualifications of persons who may be candidates for the office of county tax commissioner. Such examinations shall be held at the office of the State Tax Board in Frankfort, Kentucky, or at other places in the State, if the State Tax Board so designate. Before said examinations are held, the State Tax Board shall, for at least four weeks publish in some newspaper of general circulation in this State, a notice showing the time and place at which such examinations shall be held, and such examinations shall be open to any qualified elector of the State. The examination shall take into consideration the candidate's experience as an assessor, his knowledge of the revenue laws, his knowledge of the geography of the county in which he expects to be a candidate, his knowledge of the industries and property of such county, his general education and business experience and his physical fitness to fill the office. The State Tax Board shall determine in advance of the examination, the credits to be allowed for experience, knowledge of the revenue laws and for each other qualification, and shall publish same at the same time the notices are published as above provided for. On the basis of these examinations, candidates shall be graded, and no candidate shall be issued a certificate unless he makes a credit of at least seventy-five per cent. The State Tax Board shall issue to persons passing this examination, a certificate of their fitness and qualification to fill the office of county tax commissioner, provided, however, that the provisions of this section shall

not be held to apply to the appointments of county tax commissioners made prior to the year 1917. Each applicant for County Tax Commissioner shall be entitled to three public examinations under the directions of the State Tax Board at such time and places as it may designate with an interval between each examination of not less than one month.

Office Rooms.—The fiscal court of each county, or whatever body shall take over the powers of the fiscal court in any county, shall provide for the county tax commissioner a suitable office room or rooms, when possible in the county court house, or when that is not possible, in some other building, together with suitable furniture, in which office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within that county, except when any such books or records are required by law to be placed in the custody of other officers. The provisions of Section 1197 of Carroll's Statutes, ninth edition 1909, are hereby extended to cover these public records.

ARTICLE III.

ASSESSMENT OF PROPERTY.

SUBDIVISION I.

GENERAL PROVISIONS.

§ 1. All taxable property, except such as is by law required to be assessed by the State Tax Board, shall be assessed by the county tax commissioners or their deputies in the county in which it has its situs.

§ 2. All property shall be assessed for taxation at its fair cash value estimated at the price it would bring at a fair voluntary sale.

Provided, however, notes or bonds owned in good faith, by non-resident persons, or corporations, and having no taxable situs in this State, and notes or bonds held by banks

or trust companies, the value of which is included in the value of their shares, and secured by mortgage or lien on land in this State, shall not be a taxable interest in such land.

2a. Provided: When any person owns real property in this State which is incumbered by purchase money, lien notes, mortgage or other incumbrance, the holder of such lien notes, mortgage or other incumbrance (all of which shall be considered as evidences of title), shall be deemed the owner of such real estate to the extent only that the proportion of such indebtedness bears to the total value of the real estate; but such owner shall have no right of alienation, neither shall such owner have any right to dispose of said interest in said real estate in any manner whatever, without the written executed consent of the owner of the remaining interest in said land, except as such owner may have authority given by such lien notes, mortgage or other evidences of lien. It shall be the duty of such owner of lien notes, mortgage or other evidence of title or lien, to list his proportion of said land at the value represented by unpaid indebtedness, and the owner of the remaining proportion of said land shall list such other proportion as may be free from the liens mentioned above for the purposes of taxation. The situs for taxation of the proportionate values of the real estate as above provided, shall be in the county where the real estate is situated.

§ 3. Land and Improvements to be Separately Assessed—Land and the improvements thereon shall be separately listed and assessed. Cultivated and uncultivated land, of the same quality and similarly situated, shall be assessed at the same value.

§ 4. Date of Assessment—All taxable property shall be assessed and valued as of the first day of September in each year, except that a complete revaluation and equalization of land and improvements shall be made but once in four years. The first quadrennial revaluation of land and improvements shall be made as of the first day of Septem-

ber in the year 1917, and thereafter once every four years. The provisions of this act relative to the quadrennial assessment of land and improvements shall be suspended for the assessment to be made as of the first day of September, 1914, 1915 and 1916.

§ 5. Annual Assessment Roll—A new assessment roll shall be made in each county each year. In the years when a complete revaluation of land and improvements is not to be made, the county tax commissioner shall revise the previous assessment roll as to lands and improvements by adding the assessment of new improvements, removing the assessment of improvements destroyed, by entering the names of new owners and entering all new subdivisions of lands. But he shall value lands and old improvements at the same rates as may be fixed at the time of the quadrennial valuation. All taxable personal property shall be assessed and valued by him each year and entered in the assessment roll.

§ 6. Fiscal Court to Provide Tax Maps—The fiscal court of each county, or whatever body may take over the powers thereof in any county, may, on or before January 1, 1917, provide the county tax commissioner with a complete and accurate map of the county, showing, in such form, or such scale and in such details, as follows: All land within the county and the division thereof into tracts, farms, city and town lots, or otherwise, also all streams, roads, ponds over four acres, lakes, street railroads and such other physical features, property boundary lines and other matters, as the Commission may prescribe. This map shall be known as the county tax map. The expense of making this map shall be borne by the county.

Up-keep of Tax Maps—It shall be the duty of the county tax commissioner to revise this map from time to time, to make new copies when necessary, and to keep the same up to date, clean, legible, and in good condition, and the expenses connected with the revision and up-keep of the county tax maps shall be paid by the county.

§ 7. Use of Tax Map—Liability of County Tax Commissioner—After the completion of the tax maps, the county tax commissioner shall use the county tax map to check the accuracy and completeness of his assessment roll. He shall enter upon his assessment roll every piece of taxable land shown upon the map. He shall be liable under his bond for the taxes, State and county, which should have been collected upon any and every piece of land shown upon the map and not entered in the assessment roll.

§ 8. Description of Lands—Lands shall be described in the assessment roll by general boundaries, or in counties which have been divided into sections by the United States land survey, by section number and the customarily recognized fractional subdivisions thereof. But lands may be described by reference to numbers or letters on plats or maps on file in office of the county court clerk, or on the county tax maps. The State Tax Board shall fix and authorize abbreviations which shall be used in the description of lands, but which shall be sufficient to clearly identify the lands described.

§ 9. Real estate Assessed to Owner If Known—Real estate shall be assessed to the last ascertainable owner of record of the first freehold estate therein, and may be assessed to “unknown owners,” if none be ascertainable. No error in the name of the owner shall invalidate the assessment, nor shall any error in the description of the property invalidate the assessment, provided the description be sufficient to identify the property intended to be assessed.

§ 10. County Clerk to Certify Conveyances, Etc.—Each county court clerk shall, on or before the first day of September of each year, make out and certify to the county tax commissioner in such form and in such detail as the State Tax Board shall prescribe, a complete statement of all conveyances of lands, mortgages or other liens upon lands and other obligations for money due or to be paid. The statements shall show distinctly the dates of execution of the con-

veyances, or contracts, the dates of execution and of maturity of notes and other evidences of indebtedness; the consideration therefor; the date of filing or recording; the amount thereof; and the name and county of residence of the owner, payee, beneficial holder thereof or other person or corporation liable for taxes thereon; and such other matters or things as shall be ordered by the State Tax Board. Said statements shall be made to each county tax commissioner of the State of such notes or other evidences of indebtedness as may be owned or held by persons or corporations residing, or having their principal place of business, in the county of such deputy tax commissioner. No mortgage, conveyance or other instrument of writing constituting a lien or other security for any note or other evidence of indebtedness shall be received for record by any county clerk of this Commonwealth, unless such mortgage, conveyance, or other writing, give the county and State of the residence and post-office address of the person or corporation owning or holding said note or other evidence of indebtedness. Should there be an assignment of such note or other evidence of indebtedness, of record in the clerk's office, the assignment shall state the county and State of the residence and postoffice address of the assignee; unless any assignment is made of record, the original holder or owner shall be liable for taxes as though no assignment had been made. No conveyance of land shall be received for record by any county clerk in this Commonwealth unless such conveyance recites in full the actual consideration therefor. Any person who shall knowingly and intentionally give false or fictitious address or name in any such instrument or assignment, as above mentioned, or other than the true consideration in any conveyance shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than ten dollars nor more than one thousand dollars. Each statement made by the county clerk, as herein required, shall cover a period of one year next prior to the date such statement is required to be made. Said statement shall be

sworn to by the clerk before some person authorized to administer oaths as a full and complete statement of said facts. For his services in making such statements the clerk shall be paid a reasonable compensation by the fiscal court of his respective county; said statement shall be returned by the various county tax commissioners, with their tax books, schedules and list of conveyances, to the county clerks of their respective counties for the use of the boards of supervisors. Any county clerk failing to perform his duties under this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered by warrant or indictment. Nothing herein shall be construed to affect the validity of any instrument or assignment.

§ 11. Taxpayer's Statement—To aid him in making the assessment, the county tax commissioner shall each year exact from each person a list or statement, under oath, setting forth specifically all the real estate and personal property owned by such person, or in his possession, or under his control, on the first day of September, and the situs of such taxable property. This list or statement shall be in writing, or in printing and writing, in such form and detail as the State Tax Board shall from time to time prescribe, and shall show all property belonging to, claimed by or in the possession or under the control or management of the person making the list or statement, whether such person be an individual, a firm, association, company, or corporation.

Lands and Improvements to be Separately Valued—In prescribing the form for the list or statement to be exacted from each person, the State Tax Board shall provide for the separate listing of lands, whether in tracts or city and town lots, and of improvements, in the classes specified in section four of Article one of this Act, and in such other classes as the State Tax Board shall deem necessary. The list or statement shall contain an exact description of all lands in parcels or subdivisions as required in Section eight of sub-

division one of Article three of this act. The list shall also contain all personal property of each person in such classes as the State Tax Board shall prescribe, and shall show specifically all taxable bonds, stocks, notes, accounts, credits, cash; the number of thoroughbred and common horses, of each sex and age; mules, asses, cattle, sheep, swine, agricultural implements and machinery, other tools and machinery, wagons, carriages, automobiles, other vehicles, safes, household furniture, musical instruments, manufactured articles, raw materials for manufacturers, paintings, books, jewelry, diamonds and other precious stones, watches, silverware, steam engines, steamboats and other water craft; patent rights, wines, whiskies, brandies and other liquors, stocks of goods, wares and merchandise, and such other matters and things as the State Tax Board shall prescribe.

§ 12. Penalty for Refusal to File Statement—If any person, after demand made by the County Tax Commissioner, neglects or refuses to give, under oath, the statement provided for in Section 11 of subdivision 1, Article 3. of this Act, immediately before this section, or to comply with the requirements of the law, the county tax commissioner must note the refusal on the assessment book, opposite the name of such person, and must make an estimate of the value of the taxable property of such person. At the close of the assessment the county tax commissioner shall transmit to the board of supervisors in each county and to the State Tax Board a verified report in writing, separate from the assessment roll, containing a complete list of all persons who refuse or neglect to furnish a statement of their property as in this act provided, or to comply with the requirements of this act, together with the amount of the assessment upon the property of such persons, with a statement of the facts, if any, upon which the assessment was made, and the valuation of the property so assessed ascertained. Such assessments shall be called for convenience “arbitrary assessments,” but they shall be made as fairly and equitably as

possible in the best judgment of the county tax commissioner. No board of supervisors, nor the State Tax Board may reduce any arbitrary assessment, but may raise the same, if found to be too low, to such amount as may be deemed just. Any excessive tax resulting from an arbitrary assessment is hereby declared to be imposed as a penalty for an unlawful act, and if not paid or collected as are other taxes, may, together with the proper tax, be collected as are other fines and penalties. Should any person neglecting or refusing in any one year to give the statement herein required, neglect or refuse to do so the next succeeding year, the arbitrary assessment for the second year shall be double that of the preceding year, and the doubling shall continue each year thereafter until a satisfactory statement shall be rendered. Provided, however, that no arbitrary assessment shall be made upon lands, nor at the time of the quadrennial assessment of lands and improvements shall any arbitrary assessment be made upon improvements, it being the duty of the county tax commissioner, the boards of supervisors and the State Tax Board, with or without the taxpayer's statement, to find and value all lands and the improvements thereon at the time of the quadrennial assessment. And provided, further, that if the owner of any property found by the county tax commissioner be absent or unknown, the county tax commissioner must make an estimate of the value of such property, which shall not be deemed an arbitrary assessment, and which may, on proper showing, be lowered by a board of equalization.

§ 13. Penalty for Fraud—Any property wilfully concealed, removed, transferred or misrepresented by the owner, or agent thereof, to evade taxation, must upon discovery, be assessed at three times its value.

§ 14. Double Taxation of Property Not Assessed the Year Before—Any property discovered by the county tax commissioner to have escaped taxation the preceding year, if such property is in the ownership or under the control of

the same person who owned or controlled it the preceding year, may be assessed at double its value.

§ 15. Roll Books to be Provided—Before the first day of September of each year, the State Tax Board shall deliver to each county clerk of this State for the use of the county tax commissioners, a sufficient number of assessment roll books, and the necessary blank schedules or taxpayers' lists, for the assessment of all property, real and personal, with the affidavit attached thereto to be signed and sworn to by the person returning the list.

§ 16. Itemized List—The form of the list or statement shall provide a place for the entry of the value of each item of property listed. The person listing his property may enter his estimate of the value thereof. But the estimate of value entered by the person listing the property shall not be binding on the county tax commissioner, nor on any board of equalization, nor on the State Tax Board, except in cases where value affords the sole appropriate description of the property, and even in such cases the right of the taxing officials to question the accuracy of the statement as to the amount thereof is reserved.

§ 17. Taxpayer's Oath—The form of the taxpayer's oath shall be substantially as follows:

"I, _____, a resident of _____ county, do swear that the above list contains a full and correct statement of all property subject to taxation, owned by me, in my possession or under my control on the first day of September last; and that I have not, in any manner whatsoever, concealed, transferred or disposed of any property, or placed any property out of the county, or of my possession for the purpose of avoiding any assessment upon the same or of making this statement."

§ 18. County Tax Commissioner May Examine Under Oath—The county tax commissioner and his deputies shall be authorized to examine persons under oath as to their property, and as to the value thereof, to examine their books

and papers to ascertain the amount and value of such property. The information obtained from the taxpayer's lists or statements, or as provided in this section, except insofar as it may afterwards appear on the assessment roll or book, shall be deemed confidential and all the provisions of Section four in subdivision two of Article two of this act shall apply to county tax commissioners and their deputies as they do to the members and to their employees, except that it shall be lawful to submit this information to any board of supervisors and to the State Tax Board. Any person failing or refusing to permit any county tax commissioner or deputy to make such examination shall be subject to a fine in any sum not exceeding five hundred dollars, to be recovered by warrant or indictment.

§ 19. County Tax Commissioner to Fix Value—The county tax commissioner shall, from his own knowledge, from the statement of the person listing the property and such other information as he may be able to obtain, fix the value upon all taxable property. In ascertaining the fair cash value of real estate, as hereinafter in this act provided the State Tax Board, solely for purposes of uniformity may direct the use of standard or basing values per unit of land measurements. The State Tax Board may further classify personal property and, for the same purposes, may direct the use of standard values for each unit of count or measurement of each class. It may especially, and each year, classify and grade all horse kind, mules, asses, cattle, sheep, swine and poultry and fix a value per unit for each class or grade, and in like manner classify, grade and value grain, tobacco, hemp, and any other kinds of personal property capable of such classification and fairly uniform in value throughout the State and widely distributed. The county tax commissioners shall follow these standard values, except when the use thereof for any reason shall result in inequality.

§ 20. Preparation of the Assessment Books—The county tax commissioners must prepare each year an assess-

ment book or books for each county in the form and manner to be provided by the State Tax Board. He shall prepare the book or books for each county according to justice's districts, incorporated cities, towns and taxing districts therein. Where two or more books are used, each book shall be numbered in sequence and described in such manner on title page and cover as to clearly indicate the taxing district or districts or portions of the county contained therein, and each book shall contain, near the front page and before the assessment entries, a complete list of all the books constituting the assessment roll of the county and showing its place in the series of books. Assessments may be entered alphabetically or in any convenient geographical sequence, but in the latter case there shall be prepared either at the end of the last book after all the assessment entries, or in a separate book, a complete alphabetical list or index of all the persons assessed, with proper reference to the page or pages of the book or books in which the assessments are entered. Clerical or other errors or omissions in the index shall in no wise affect the validity of any assessment. At the close of each book, except the last in sequence, there shall be a statement showing the number and description of the next book in order, and in the last book, a statement that the roll ends here. All blank spaces and pages in any book upon which no assessment entries are made shall be ruled or marked off, so as to clearly show the fact that the entries are completed or that they are continued on subsequent pages and upon which pages.

The assessment roll shall show under appropriate headings and columns, as prescribed by the State Tax Board, the following items and such others as may be from time to time prescribed by the State Tax Board:

- (1) The name and postoffice address, if known, of the person to whom the property is assessed.
- (2) Lands described as in this act provided.
- (3) Improvements on land.

(4) All personal property in such detail as the State Tax Board shall prescribe, but failure to enumerate personal property in detail shall not invalidate any assessment, provided that the total amount in value assessed against each person is shown.

(5) The cash value of each item assessed.

(6) Franchises, railroad property and all other property assessed by the State Tax Board and assigned or apportioned to the county and other local districts and the value thereof assessed.

(7) The taxing district in which the property is assessed.

(8) The total value of all property assessed against each person.

(9) The sum totals of all lines and columns.

(10) The assessment books shall also contain appropriate columns for the entry of the rates of taxes levied upon the property and for the extension of the taxes levied upon the property of each person but these columns shall not be filled in by the county tax commissioner but by the county clerk, as hereinafter in this act provided.

Entries shall be with ink, and may be made in writing, or by writing and printing, by rubber stamp or other device. Values shall be in figures. All entries shall be fair, neat and legible. No erasures, either by rubbing, knife, or chemical, or other means, shall be permitted on the assessment roll or book, but errors may be corrected in such manner as to show clearly the original erroneous entries and the correct entries, and such corrections shall be explained in the margin and signed by the person making them, and the corrections so made, if made by an authorized official, shall be valid as if they were original entries.

§ 21. *Illegal Entries in Assessment Books*—No person, save the county tax commissioner, his deputies, and other officials expressly required by law so to do, shall make any entry, correction or alteration in the assessment books

or rolls. Any person illegally making such entry, correction or alteration or mutilating the assessment books or rolls shall be guilty of a felony, and punished by imprisonment in the State penitentiary from one to five years.

§ 22. County Tax Commissioner's Oath—On or before the first day of January in each year, the county tax commissioner shall complete the assessment rolls, and he and his deputies must take and subscribe an affidavit in the assessment books to be substantially as follows:

"I, _____, county tax commissioner for the county of _____ do swear that, between the first day of September and the first day of January, in the year of our Lord nineteen hundred and _____ I have made diligent inquiry and examination to ascertain all the property within the county of _____ (or within the subdivision thereof assessed by me, as the case may be), subject to assessment by me, and that the same has been assessed on the assessment book or books, equally and uniformly, according to the best of my judgment, information and belief, at its true value, and that I have faithfully complied with all the duties imposed on the county tax commissioner under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill-will or otherwise; nor allowed anyone to escape a just and equal assessment through favor or reward, or otherwise; so help me, God." But failure to take or subscribe to such an affidavit, or any affidavit, shall not in any manner affect the validity of any assessment.

§ 23. Books to be Delivered to County Clerk—As soon as completed, the assessment book or books, together with the maps, records, statements, and copies of any orders of the State Tax Board, used or followed in making the assessment, must be delivered into the custody of the county clerk for the use of the board of supervisors. Until the day set for the hearings before the board of supervisors, as hereinafter in this act provided, the book shall be open to the inspection

of all persons interested. Provided, that the State Tax Board may for good cause shown extend, but not by more than thirty days, the time for completing the roll of any county.

§ 24. County Tax Commissioner's Report to Board—On completion of the assessment rolls in his county, the county tax commissioner shall at once forward to the State Tax Board a report, in such detail and form as the board shall prescribe, of his assessments.

§ 25. Penalty—Every county tax commissioner who fails to complete his assessment rolls, or fails to transmit the report mentioned in the preceding section, shall forfeit the sum of one thousand dollars, to be recovered on his official bond, for the use of the Commonwealth, in an action brought in the name of the Commonwealth by the Attorney General, when directed to do so by the State Tax Board.

§ 26. Names of Purchasers—How Entered—Lands once described in the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor, may have his name inserted with that of the person to whom such land is assessed.

§ 27. Property in Two Counties—Property lying in two or more counties shall be assessed, as nearly as may be, in each county in that proportion which the part in each county bears to the whole. Ferries and toll bridges connecting two counties, other than warehouses, wharves or other appurtenances in each county, together with the franchises thereof, shall be assessed one-half in each county. Where property lies in two counties, the two county tax commissioners shall confer as to and determine the value.

§ 28. Property Discovered to be in Other Counties—Any county tax commissioner obtaining in any way information concerning property taxable in some other county shall at once notify the county tax commissioner of that county and send him a description of the property, the name and address of the owner and any other facts pertinent to the

assessment. A duplicate of such notice shall be sent to the State Tax Board. For this service the county tax commissioner shall be allowed fifty cents for each parcel of property so reported and assessed.

§ 29. Assessment Roll the Warrant for the Collection of Taxes—The assessment roll or book shall be the sole warrant for the collection of State and county taxes, and of district taxes to be collected by the sheriff as hereinafter provided and covered into the county treasury, and may be the warrant for the collection of municipal taxes, as hereinafter in this act provided.

§ 30. Copies of Cities—Cities and towns desiring to have their taxes collected on the basis of the county assessments may, with the consent and approval of the State Tax Board, obtain copies of the assessment roll. Such copies shall be certified to by the county tax commissioner or his deputy. The city or town requesting the copy shall pay into the State Treasury a sum equal to five cents per folio of one hundred words or figures. The money so paid is hereby appropriated to pay the expenses of copying the rolls at such rates not exceeding five cents per folio as the State Tax Board shall allow, and shall be kept in a separate fund to be known as the "city assessment roll fund," and shall be paid out by the Auditor of Public Accounts on order of the State Tax Board in the same manner as other payments are made of State money.

SUBDIVISION II.

QUADRENNIAL REVALUATION OF REAL ESTATE.

Duties of State Tax Board and of County Tax Commissioners

§ 1. Real estate revalued only once in four years—Once every four years the valuation and assessment of real estate shall be thoroughly revised and corrected. The values fixed at that time shall be used, unchanged, except as otherwise provided by law, as the assessed values of the real estate

during the three succeeding years. The first quadrennial assessment shall be made as of September first in the year 1917. Provided, that, whenever the State Tax Board shall determine that the value of real estate in any district or county or city or town has changed materially during the interval between the regular quadrennial revaluation of real estate herein provided for, the board may order a revaluation and assessment of such real estate to be made, and such revaluation shall be made at the time of the regular annual assessment of all property.

§ 2. Rules and Standard Values, Agricultural Lands—The State Tax Board shall formulate rules and issue instructions to county tax commissioners as to the manner in which the quadrennial revaluation of real estate is to be made. It may cause the county tax commissioners to assemble in convention for discussion and instruction.

The State Tax Board may, for the purpose of obtaining uniformity of valuation for agricultural and other tracts of land, denominate grades or classes of land, and may, if it deem it expedient to do so, fix the standard values for the guidance of county tax commissioners. The board may, before any quadrennial assessment of real estate, cause its rules, grades, classes or standard values to be published, and public hearing as to the reasonableness of the rules, grades, classes, or values may be held in different parts of the State.

Rules and Basing Values, City Lands—The State Tax Board may likewise prescribe general rules, or fix “basing values,” for the purpose of securing a uniform valuation of the city and town lots. These rules and standard values, or “basing values,” may be published and the board may hold public hearings for discussion of the rules and standard values within each city.

Rules and Standard Values, Improvements—The State Tax Board may, if it deem it expedient, fix rules and standard values for different kinds and classes of improvements, both in the country and in cities, all to the sole end that as-

sessments shall be uniform and equal at the true value of the lands and improvements. It shall have power to enforce its rules and standard values, and to require them to be followed by all county tax commissioners and their deputies.

§ 3. County Tax Commissioners to Search Out Values—The county tax commissioners shall, prior to the making of the first quadrennial revaluation of real estate, diligently examine the real estate within their counties and ascertain its value. They shall search out, through all available sources of information, the actual consideration paid when real estate is conveyed from one person to another. They shall ascertain the appraisements made of real estate in the case of estates passing under the inheritance laws, or appraisements made under condemnation proceedings, or for any other purpose. They shall examine, if deemed necessary, under oath, any real estate dealers, brokers, agents, or other persons having knowledge of real estate values. They shall inquire into the rentals paid for real estate under lease and may demand and examine the lease contracts. They shall inquire into the products obtained from different classes of lands and the values and costs thereof. They shall make such further inquiries as the State Tax Board shall prescribe. They shall keep a record in their own office of all the facts and of the information obtained, as above provided, and shall transmit copies of these records to the State Tax Board.

§ 4. County Tax Commissioners to Keep Records of Values—Preparatory to each subsequent quadrennial revaluation of real estate after the first, the county tax commissioners shall continue the above investigations into real estate values all throughout the ensuing years between the revaluations and shall search out all evidences of changing values. They shall revise their records and send copies of the changes to the State Tax Board.

§ 5. County Tax Commissioners to Fix Values—Upon the basis of the information obtained by them, and in accordance with any instructions issued by the State Tax Board,

the district tax commissioners shall fix the values of real estate and enter the same in their assessment rolls. The values so determined and entered shall be subject to review and equalization by the county boards of supervisors as hereinafter in this act provided, and by the State Tax Board, and when so reviewed and equalized, shall be the assessed values for the ensuing four years, unless in the meanwhile the State Tax Commission shall have ordered a new revaluation of real estate to be made.

SUBDIVISION III.

Assessments By The State Tax Board.

§ 1. Property Assessed by State Tax Board—Every corporation organized under the laws of Kentucky whether doing business in this State or not, and every corporation organized under the laws of any other State or country, doing business in Kentucky, except religious, benevolent, and other associations not organized for profit, whose property is exempt under the Constitution of this State, is hereby declared to possess a taxable franchise, and said franchise is property subject to taxation as any other property under the provisions of this act. But the franchises of banks and trust companies, are hereby declared to be covered by and included in the assessment of the shares of stock elsewhere in this act provided for, and shall not be again assessed and taxed, and the franchises and privileges of insurance companies, which are hereby declared to be covered by subdivisions two and four, Article 13, of Chapter 22, of the Acts of 1906, relating to revenue and taxation and not by the provisions of this act, shall not be again assessed and taxed.

All franchises; all property of railroads, including inter-urban and street railways, whether tangible or intangible; the shares of stock in all banks and trust companies; all property, tangible and intangible, of railroad bridge compan-

ies; all property, tangible and intangible, of turnpike companies; all property, tangible and intangible, of all telephone and telegraph companies, of all car companies, of all express companies, of all oil pipe line companies, of all gas companies, of all electric light companies, of all electric power companies, of all press dispatch companies, and also of all other corporations, companies, or associations, partnerships, firms or individuals, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, whenever any of them have property lying in two or more counties; the franchises, but not the tangible property of public utilities operating in only one county; and all distilled spirits in bonded warehouses shall be assessed by the State Tax Board acting as a central Board of Valuation and Assessment.

Every owner or proprietor of a bonded warehouse, shall execute a bond on the first day of January of each year, to the State, County, Taxing District, City or Town, in a sum equal to the amount of the taxes likely to come into his hands for the payment of said sums to the said State, County, Taxing District, City or Town, when due and payable, which bond shall be executed before and approved by the Judge of the County Court.

The assessments so made shall be entered on a State assessment roll, hereinafter provided for, and shall also be apportioned by the State Tax Board to the counties, cities and other taxing districts where the property is located and entered on the county, city and other assessment rolls. The State taxes thereon shall be paid directly to the State Treasurer upon order of the Auditor of Public Accounts, all local taxes thereon shall be paid as other local taxes are paid. No other assessment for general or local taxation shall be made on property of this kind.

§ 2. Reports to State Tax Board—For the purpose of aiding the State Tax Board in making these assessments, every corporation, company, or person owning or having con-

trol of any of the property named in Section one of this subdivision including franchises and tangible property, shall file with the board a report in such form and in such detail as the board shall prescribe. These reports, except as otherwise specifically provided, shall be due September first, and delinquent ten days thereafter in each year.

The reports from the different classes of tax-payers herein required to report shall contain the following information and such other information as the State Tax Board shall deem necessary. The board shall prescribe the form of the report and may provide different forms for different classes of corporations and companies shall furnish printed blank forms for the making of the report.

(1) Reports on Franchises—Every railway company or corporation, and guarantee or security company, gas company, water company, pipe line company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, steamboat company and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, also every corporation organized under the laws of Kentucky, whether doing business in this State or not, and every corporation organized under the laws of any other State or county and doing business in Kentucky, except banks and trust companies, and insurance companies elsewhere in this Act provided for, whose franchises are hereby declared to be covered by the taxes otherwise computed; and except, further, religious, benevolent and other corporations not organized for profit, whose property is exempt under the Constitution of this State, and including further every person, firm, partnership or association exercising, or possessed of

the right to exercise, any special or exclusive privilege or franchise granted by the Commonwealth, or by any county, city or other governmental authority, or performing any public service, shall, in addition to the taxes imposed on its tangible property by law, annually pay a tax on its franchise to the State and a local tax to the county, incorporated city, town or taxing district where its franchise may be exercised and shall file with the State Tax Board a report on its special franchises and on its corporate franchise setting forth the following facts as of June thirtieth in the year for which the report is made, or for the year ending June thirtieth as the case may be, viz.: the name and principal place of business; the State or country under the laws of which it is organized; the name and postoffice address of its officers or agents in this State, and the name and postoffice address of the officer or agent who is charged with the duty of paying taxes; the kind of business engaged in; the number and par value of the shares of capital stock, preferred or common, authorized; the number of shares of capital stock issued and outstanding; the amount paid thereon in cash and the amount paid in in property or other considerations; the highest price at which any such stock has been sold or transferred by the company or by any stockholder at a bona fide sale within twelve months preceding the 30th day of June in the year in which the statement is made; or if no sale has been made, the amount at which any bona fide offer of sale or of purchase was made; the amount of surplus funds and undivided profits and the value of all other assets; the amount of all indebtedness, showing separately the bonded debt, mortgages, notes and all unsecured or other indebtedness; the gross receipts and the net income, from all sources for twelve months, next preceding June 30th in the year in which the statement is made; and by net income is meant the aggregate amount of net earnings arising from all operations and the net income arising from all outside and other investments; the expenses incurred for the same period: the

amount, kind and true cash value of all tangible property taxable in this State, and where situated and assessed, or liable to assessment; the amount and true value of all non-taxable property owned; the assessed value of all property, other than the franchise, owned on the first day of September, whether acquired since assessment or assessed in the name of the company or person reporting as assessed on the last completed State or county assessment roll; and every company or corporation shall furnish the State Auditor a copy of its printed report to its own stockholders made as of June 30th, of the year in which the assessment is made, if it made such printed report of that date, and if not, then the last printed report which it did make to its stockholders, and it shall also furnish the State Auditor a copy of its report made to the Interstate Commerce Commission showing its income account and disposition thereof for the year ending June 30th, in which said State Assessment is made; and any and all facts which the State Tax Board shall require.

Interstate Companies—In the case of corporations or companies doing business in this State and in other States, except railroad companies, telegraph and telephone companies, car companies, express companies, and all other companies doing a public service, each company shall report the total amount of business done both within and without this State and the amount done within this State, also what proportion, as nearly as may be ascertained, of its aggregate capital is invested and used within this State, what proportion of its employees are employed within the State, and how many agents or business correspondents it has within this State.

Railroad and Other Companies to Report Additional Items—Railroad companies, telegraph and telephone companies, car companies, express companies, pipe line companies, and all other companies doing a public service, and doing business both within this State and in other States, shall, in addition, report the length of the entire lines owned and

operated both within and without the State, and the length of the said lines within the State; also, the length of the lines owned, but not operated and by whom operated, both within and without the State; also the length of the lines operated but not owned, and by whom owned, within and without the State; also the length of the lines owned and operated, owned but not operated, and operated but not owned, in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes in this State.

Net and Gross Receipts—They shall also report the gross and net receipts within and without the State, including among the receipts within this State that proportion of the receipts from interstate business reasonably attributed to this State. The gross receipts attributable to this State shall include the receipts from business beginning and ending in this State, and that proportion of the receipts from interstate business, which the mileage of the roads, lines, or routes, over which such interstate business is done within this State, bears to the total mileage over which such business is done.

(2) Railroads to Report on Physical Property—Railroad Companies operating with the State, including interurban and street railways, shall, in addition to the facts required concerning the franchises, report the following facts concerning the physical property:

a. The whole number of miles of railway owned and operated in the State, and, where the line is partly within and partly without the State, the whole number of miles within and the whole number of miles without, owned and operated by the company reporting.

b. The whole number of miles owned but not operated, and by whom owned, both within and without the State.

c. The whole number of miles operated but not owned, and by whom owned, both within and without the State.

In regard to lines owned but not operated, or operated

but not owned, a statement showing who under the terms of the lease or otherwise operating is responsible for, or will assume, the payment of the taxes which may become a lien on the property.

d. The number of miles of right of way, showing separately that used and unused, in this State, and in each county, city, incorporated town, school district or other political subdivision possessed of the power to levy taxes, in this State, showing separately, also, the right of way for main line, and that for spurs, wyes, sidings, and other track appurtenances and the width of all rights of way with a general description thereof.

e. A description of the road bed, rails, bridges, of any double track, of spurs, wyes, sidings and other track appurtenances; of signal systems, telegraph lines, telephones, and other appliances for communication; of any terminal facilities within this State; all by convenient or by recognized divisions, lines, or sections of the road, and by political subdivisions of this State, together with the value thereof per mile of rights of way in each political subdivision of this State.

f. The depot grounds and buildings, other lands and buildings, or structures, all section houses, barns, warehouses, packing-houses, elevators, and other structures on or off the right of way, and the value thereof in each political subdivision of this State.

g. The number, kind, and value of all rolling stock owned or hired and used on the entire system operated, and the proportion thereof used within the State, together with the value of each kind and class used on the entire system and of such used within this State.

Statement to be Filed But Once—Whenever a complete statement of the above items, (a) to (g) inclusive, has once been filed to the satisfaction of the State Tax Board, no annual restatement thereof need be filed thereafter unless required by the board, but all changes which may be necessary

to keep the statement up to date and true for each succeeding year, shall be reported annually.

(3) Other Public Utilities to Report Tangible Property—All telephone and telegraph companies, all car companies, all express companies, all oil pipe line companies, all gas companies, all electric light companies, all electric power companies, all press dispatch companies, and also all other corporations, companies or associations, having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service whenever any of said companies have property lying in two or more counties, shall report, in addition to the report above provided for, all their tangible property in such form and in such detail as the State Tax Board shall prescribe, including all rights of way, poles, wires, pipes, conduits, cables, switchboards, telephone and telegraph instruments, batteries, generators and other electrical appliances, all exchange and other buildings and lands, canals, tunnels, ditches, flumes, aqueducts, dams, reservoirs, water sources and water rights, transformers, substations, gas holders, gas and electric generators, meters, gas and electrical appliances, oil tanks, power plants, pumping plants, pipe lines, power houses, cars, and other rolling stock, trucks, wagons, horses, harnesses, and safes, and all other physical, tangible and intangible property of every sort and description. And all such companies, shall further, upon the demand of the State Tax Board, furnish any map or other descriptions of its properties which said Tax Board may require.

(4) Local Officials to Report Boundaries of Districts—The State Tax Board may require any State, county, city or town, or district officials having knowledge of the same to file a statement or a map showing where any railroad or other public utility crosses the boundary when entering or leaving their counties, cities, towns or districts, and upon application of any railroad or other public utility shall fur-

nish such railroad or other public utility with a copy thereof.

(5) Banks and Report What—It shall be the duty of the president, cashier or other chief officer of each bank or trust company, organized under the laws of this State, or under the laws of the United States, or of any other State or country and located in this State, to make and deliver to the State Tax Board a verified statement, in such form and detail as the State Tax Board shall prescribe, showing the following facts:

The name and postoffice address of the bank or trust company; the name of the president, cashier and directors and their postoffice addresses; the number of shares of the capital stock and the par value thereof; the amount paid in on the capital stock; the amount of the surplus and of the undivided profits; the market value of each share of stock; the amount and value of all real estate situated in this Commonwealth, held and owned by the bank or trust company and the assessed value thereof; all the assets and liabilities; the loans and deposits; and such other information as the State Tax Board shall require. The items shall all be reported as of the close of business on the first day of September or on the nearest business day thereto. Provided, that, in each year when there is to be a revaluation of real estate affecting any real estate owned by any bank, that bank may postpone reporting the assessed value of such real estate until the revaluation shall have been completed, but it must, in the report above provided for, state the true value of, and give a description of the real estate.

(6) Railroad Bridge Companies to Report—Railroad bridge companies shall report, in addition to the information required in the report on their franchises, the following information concerning their tangible property. The location of the bridges, a description of the structure, and of all rights of way leading thereto, all other real estate owned, including all buildings and structures, all machinery and all personal property, the railroad companies using the bridge

or bridges and the terms of such use, and such other items as the State Tax Board shall prescribe.

(7) Turnpike Companies to Report—Every turnpike company shall, in addition to the report required on the franchise, make a report on the tangible property, showing the whole length of the road, the length of the road in each county, the width of the right of way, all real estate owned, all buildings or other structures, machinery and tools and such other matters and things as the State Tax Board shall require.

(8) Reports on Spirits—Every owner or proprietor, whether a corporation, a partnership, or other, of a distillery bonded warehouse in which distilled spirits are stored shall, between the first day of September and the first day of October of each year, report the quantity and kind of spirits in such warehouse on the first day of September in the year in which the statement is required to be made, the dates when the spirits were made, the county, city, town or taxing district in which the warehouse is situated, whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period, the fair cash value of the spirits, estimated at the price it would bring at a fair voluntary sale, that is, the highest market price per gallon in bond of the different aged spirits on said assessment date of September the first, also the highest market price per gallon at which the different aged spirits sold for in bond during the thirty days preceding the said assessment date, also the highest market price per gallon at which the different aged spirits sold for in bond during the year preceding said assessment date, and such other facts as the State Tax Board may require.

§ 3. Verification—All statements or reports, required under Section two above, shall be verified. In the case of a corporation, the verification shall be by the president, cashier, secretary, treasurer, manager, resident agent, or some other chief and responsible officer, receiver, assignee, trustee,

administrator, executor or other person in control, whose affidavit shall be satisfactory to the State Tax Board. In the case of individuals, firms or partnerships, by the owner or a member of the firm or partnership.

§ 4. Assessment, How Made in Case of Failure to Report—If any company or person, required to make the report provided for in section two of this subdivision, shall, after demand therefor, fail or refuse to furnish the State Tax Board, within the time prescribed in this Act, the verified report required to be made, the board shall make a note of such failure in the assessment roll of the State hereinafter in this Act provided for, and shall make an estimate, from the best information it can obtain, of all matters and things required to be reported, and shall make an assessment of the franchises, shares, or other property to be assessed. This assessment shall be known, for convenience as an arbitrary assessment, but shall be as fair and equitable as possible. The board shall send notice of this assessment to the last known postoffice address of the company or person assessed and shall allow the company or person ten days in which to show cause why the assessment shall not be filed. After a lapse of ten days the assessment shall be final, unless cause for correction be shown.

Penalty for Failure to Report—If in any succeeding year the company or person again fail or refuse to report, the same procedure shall be followed, and a penalty equal to the tax shall be added thereto to be collected in the same manner as the tax is collected. For each subsequent failure, the tax and penalty shall be an amount equal to the tax plus twice the penalties imposed the preceding year.

Company's Penalties—Any company wilfully failing or refusing to make and furnish any report prescribed in this Act, or rendering a false or fraudulent report, shall be guilty of a misdemeanor and subject to a fine of not less than three hundred dollars and not exceeding five thousand dollars for each offense.

Officers' Penalties—Any person required to make, render, sign, or verify any report, who makes any false or fraudulent report, with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars and not more than five thousand dollars, or to be imprisoned not exceeding one year in the county jail of the county where said report was verified, or in the county where the State Tax Board's principal office is located, or be subject to both said fine and imprisonment, at the discretion of the jury.

§ 5. How Franchises Are To Be Assessed—In making the assessment of franchises, the State Tax Board shall, from the reports of the companies and persons required to be filed, as provided in this subdivision, or from any other available sources of information, fix the value of the aggregate capital stock employed by the company or person within this State, whether such capital stock be represented only by the shares of common or of preferred capital stock in the narrower sense of the term "capital stock," or also by bonds, notes, or other securities used to obtain funds, or capital stock in the broader sense of that term, used in the conduct of the business.

Determination of Capital Stock—In thus determining the value of the aggregate capital stock, the State Tax Board may consider the prices at which the shares of capital stock, the bonds or other securities were sold or transferred, or at which they have been quoted for sale or purchase. It may also consider the earnings of the company available for dividends, the interest promised and that being paid, or available to be paid, upon bonds, and all other profits or receipts. It may consider also any other related facts pertinent to a determination of the true value of the aggregate capital stock. It shall specially consider the fact of incorporation, the ownership, enjoyment, or exercise of any special privileges, patents, or other rights, and the existence of contracts

and business agreements and business connections and other similar factors, contributing to the value of the aggregate capital stock.

Interstate Business of Non-utility Companies—In the case of corporations or companies other than railroads, telephone and telegraph companies, car companies, express companies, pipe line companies, and other public service companies doing business in other states as well as in this State, the State Tax Board shall determine the value of that part of the capital stock which is used in this State. In making this determination, the State Tax Board may consider the gross and net receipts within and without the State, including among the receipts within this State that proportion of receipts from interstate business reasonably attributable to this State; the actual investment of capital within this State, in land, buildings, machinery and other property; the number of employees, agents, business correspondents and the like within this State; and any other facts pertinent to a fair and equitable apportionment of the capital stock to this State.

Interstate Public Utilities—In the case of railroads, telegraph and telephone companies, car companies, express companies, pipe line companies, and other public service companies, the road, lines, and routes of which extend beyond the State, the State Tax Board shall fix the value of the aggregate capital stock of the company, both within and without the State, and shall determine what proportion thereof is used within the State. In determining the value of the capital stock used within this State, the board may consider the ratio of the number of miles of road, lines, or routes operated within the State to the total number of miles of road, lines or routes operated both within and without the State. It may also consider the ratio of gross receipts within the State to the total gross receipts within and without the State. In considering gross receipts, it may attribute to this State all receipts from business beginning

and ending in this State, and that proportion of the gross receipts from interstate business which the mileage of roads, lines, or routes, over which such interstate business is done within the State, bears to the total mileage over which such business is done. It may also consider what allowance or deduction, if any, should be made for parts of the capital stock invested in other roads, lines, or routes not operated as part of the system entering this State, or which is invested in property or used in business of another character, or otherwise not representing any part of the system operated in direct conjunction with the roads, lines or routes entering this State. It may also consider what additions should be made to the proportion of the capital stock deemed to be used in this State, or to portion outside the jurisdiction of the State for plants, works or other special facilities within, or, respectively, without the State, for differences in the original cost, present value or earning power of different parts of the system. It may also consider any other facts pertinent to a fair and equitable determination of the proportion of the aggregate capital stock used within this State.

Kentucky Companies Operating Outside the State—If any company of the kinds named in this section being a company organized under the laws of this State have all its rails, lines or routes outside of this State, the State Tax Board shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this State for taxation therein the proper proportion and not less than one per cent of its said capital stock, and the amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action, subject to taxation in this State and in the county, city, town and district where its principal place of business in this State may be located.

Franchises—How Measured—From the value of the aggregate capital stock of each company as determined by the State Tax Board, there shall be subtracted the assessed value

of all tangible property taxed in this State, whether assessed by the county tax commissioners, or by the State Tax Board itself, and the value of all non-taxable property in this State belonging to the company. The difference or remainder shall be considered the value of the intangible property of the company, or the value of the franchise as the term "franchise" is used in this Act.

§ 6. Commission to Assess Physical Property—The State Tax Board shall each year value and assess the physical or tangible property within this State of all the corporations and companies enumerated in section one of this subdivision and shall determine the amount thereof in each political subdivision of the State having taxing power. In determining the value of the physical property, the State Tax Board shall be guided by the reports required to be made under this Act, but it may take into consideration any and all other sources of information available. It may inspect the property and may send its duly accredited representatives to do so. The Railroad Commission shall grant to the State Tax Board access to any and all of its files and records bearing upon the value of railroads.

§ 7. Assessment of Bank Shares—The shares of the capital stock of all banks and trust companies, doing business in this State, shall be subject to taxation, both for State and local purposes, in the same manner and at the rates as other property is taxed, and upon the basis of valuation and assessment hereinafter in this section provided for.

The State Tax Board shall each year value and assess the shares of the capital stock of all banks and trust companies doing business in this State. The shares of the capital stock of the banks shall be assessed and taxed in the city or town where the bank is located and not elsewhere. The assessment and taxation of the shares of stock of banks organized under the laws of the United States shall not be at greater rate than is assessed upon the shares of stock of other banks and trust companies in this State. In making

the assessment the board shall first determine the actual value of the shares, and shall then deduct therefrom the assessed value of any real estate situated in this State and owned by the bank or trust company in its own right. The shares of the capital stock of all banks and trust companies shall be assessed to the owners or holders thereof. But it shall be sufficient to describe the owners or holders as the "owners or holders of the shares of stock in the Bank of, " inserting the name of the bank. The banks shall be liable for all taxes on the shares and shall act as the agent of the shareholders for reporting the value of the shares, and shall pay the taxes on behalf of the shareholders.

In the case of banks not having shares of capital stock of agencies or branches of banks not incorporated under the laws of this State and of any analogous banking houses, the State Tax Board shall assess the moneyed capital used in this State by each such bank, agency, branch, or other banking house. The shares of capital stock of solvent banks in liquidation shall be assessed as the shares of other banks are assessed. The share of insolvent banks in liquidation shall be assessed at, as nearly as may be, the amount that will be realized by the shareholders after liquidation has been completed.

The assessment of shares of capital stock of banks and trust companies, provided for in this section, shall be taken to include the value of all notes and mortgages held by such bank, and notes and mortgages owned by any bank shall not be separately assessed. Any bank or trust company assigning any mortgage, any bond or note secured by a mortgage upon real estate, or by vendor's lien upon real estate, and failing to transfer of record such mortgage or lien before the September first following such assignment, shall be liable to a fine of \$1,000, and in addition shall be liable for all taxes upon such note or mortgage.

§ 8. The State Assessment Roll—On or before January

first in each year, the State Tax Board shall make an assessment roll, or book or books, to be known, for convenience, as "The State Assessment Roll," and shall enter therein the names of taxpayers whose property has been assessed by them as provided in Section one of this subdivision, together with their last known office addresses, and the kind and assessed value of the property assessed by it. It shall deliver the State assessment roll when completed to the Auditor of Public Accounts, who shall extend the State tax against the property shown therein.

§ 9. Assessments Apportioned to Counties—All assessments made by the State Tax Board shall, by that board be apportioned to the counties in which the property so assessed is its situs. The State Tax Board shall, on or before December first in each year, certify to each county tax commissioner, the names of the tax-payers whose property has been assessed and apportioned to the county, together with the last known postoffice addresses of the taxpayers, the kind and assessed value of the property assessed by the board, and such other details as the board shall deem necessary. The county tax commissioner shall enter the assessments so certified to him in a part of the assessment roll, book or books of the county, to be designated "the roll of property assessed by the State Tax Board," and shall segregate the same to the different taxing districts within the county. The county clerk shall, as hereinafter in this act provided, extend against this property all taxes to which it is subject, save and except the State tax, and he shall make no entry of the State tax on this part of the roll.

§ 10. Notice of Time for Hearings—On or before the first day of December in each year the State Tax Board shall complete the assessment and shall publish a notice in one daily paper published at the State Capital, one daily paper having a general circulation in the eastern part of the State, one having a general circulation in the central part of the State, and one having a general circulation in the western

part of the State, stating that it has completed the assessment of property to be assessed by the State Tax Board and that the assessment roll thereof will be delivered to the Auditor of Public Accounts on the first day of January, and will on that day certify the assessments to the tax commissioners for insertion in the county rolls, and that if any corporation, company, person, firm, partnership, or association is dissatisfied with the assessments made by the board it may at any time before the first day of January apply to the board to have the same corrected in any particular. The board shall have power at any time before the first day of January to correct the State assessment roll and to raise or lower any assessment therein of its own motion, or on application as above provided, if in its judgment, the evidence presented or obtained warrants such action.

ARTICLE IV.

REVIEW AND EQUALIZATION.

SUBDIVISION I.

County Board of Supervisors.

§ 1. Appointment of Boards of Supervisors—Prior to the year of 1917 and thereafter in every year in which a quadrennial revaluation of real estate is to be made, or in any year when a revaluation of real estate has been ordered by the State Tax Board, the county judge of each county concerned shall at the November term of the court, appoint five intelligent, discreet housekeepers, who are owners of real estate and who reside in different portions of the county, to constitute the board of supervisors of assessments for the county. In counties in which there is a city of the first or second class, he shall appoint three additional persons from each such city who shall be residents of different wards therein; and in counties in which there is a city of the third or four class he shall appoint two additional persons from

each such city, who shall be residents of different wards therein, and the persons so appointed from the cities shall, with the other five above provided for, constitute the board of supervisors of assessments for such counties.

§ 2. Boards of Supervisors for Review of Personal Property—In years when no revaluation of real estate is to be made, the county judge may, if he deem it necessary, appoint a similar board of supervisors of assessments, and he must do so when requested to do so by the State Tax Board, or by the fiscal court of the county or by that board, body, commission or court which may in any county take over and exercise the functions usually exercised by the fiscal court.

§ 3. Sheriff to Serve Appointments—The clerk of the county court shall make as many copies of the order appointing such supervisors as there are supervisors appointed and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter and make due return thereof to the clerk of the county court.

§ 4. Oath Supervisors Shall Take—The supervisors, before they enter upon the discharge of their duties, shall take the following oath:

“You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value and fix the value at what you believe the property would bring at a fair voluntary sale.”

§ 5. Penalty for Failure to Attend Sessions—The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or persons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

§ 6. Meeting of Supervisors and Duties—The county boards of supervisors of assessments shall convene in public session at the county seat of their respective counties on the first Monday in January of the year succeeding their appointment. The county clerk shall act as secretary of the board. At the time of their convening, the county clerk shall lay before the county board of supervisors the assessment roll or books, together with the maps, records, statements and copies of any orders of the State Tax Board used or followed by the district tax commissioners in making the assessments. The board of supervisors shall examine the books and ascertain:

(1) Whether all property subject to taxation has been entered thereon and whether any has been assessed more than once; (2) whether all the requirements of the law with respect to assessments have been complied with; (3) whether the real estate, and other property has been valued according to law and the true values entered in the assessment roll.

§ 7. Supervisors' Powers—The board of supervisors shall have power, and it shall be its duty:

(1) To order the district tax commissioner to enter in the assessment roll, and to fix the value of any property found to have been omitted; (2) to order the district tax commissioner to correct any erroneous entries, to cancel duplicate assessments and to make the roll conform to the law; (3) to hear the complaints of any taxpayers claiming to be aggrieved by any unjust or unequal assessments, and after consulting with the district tax commissioner or his deputy, may order the tax commissioner to raise or lower the assessments made of the property of the taxpayers appearing and complaining, but no taxpayer who has failed, refused, or neglected to file with the tax commissioner a sworn statement of his property shall be entitled to be heard, nor shall his assessment be reduced; (4) to raise, on its own motion, any or all assessments found in the rolls, but no as-

assessment shall be lowered, save as provided in sentence (3) immediately above; (5) to summon witnesses and to examine them under oath. Any person who shall wilfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

All orders issued to the county tax commissioner shall be entered in the minutes of the board and duplicate copies thereof transmitted by the county clerk, one to the county tax commissioner and another to the State Tax Board. The orders shall be numbered, and when making the entries or corrections ordered by the board, the county tax commissioner shall make a marginal reference to the order complied with. In all its actions, the board of supervisors must conform to the rules and orders of the State Tax Board in the same manner as is required in this Act of the county tax commissioners. The county tax commissioner shall comply with all orders of the board. But the State Tax Board may on appeal annul any order, and in that event the county tax commissioner shall regard the order as void.

§ 8. Review of Personal Property—In the years in which the regular quadrennial revaluation of real estate is to be made, or any special revaluation of real estate has been ordered by the State Tax Board in any county, city or town, the boards of supervisors shall devote special attention to the values of real estate and make every effort to bring about a full assessment thereof. In all other years, any board of supervisors which may be appointed and convene shall make no changes in real estate values, save of new improvements added, but shall confine their orders to the values placed upon personal property and new improvements.

§ 9. Sessions of Supervisors—In each year when a revaluation of real estate is to be made, the board of supervisors shall hold two sessions with an interval of two weeks between them. In all other years there shall be but one ses-

sion. In counties having a population of less than twenty thousand and not containing a city of the first, second, third or fourth class, the first session, or the only session, shall continue not less than two, nor more than six days; and in counties having a population of twenty thousand or more, and not containing a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties containing a city of the first class, the board may remain in session not to exceed twenty days; and in counties containing a city of the second class the board may remain in session not to exceed fifteen days; and in counties containing a city of the fourth class, the board may remain in session not to exceed ten days. The second session shall, in counties having a city of the first or second class, continue not less than one nor more than ten days, and in all other counties, not less than one nor more than five days.

§ 10. County Clerk to Notify of Changes—It shall be the duty of the county clerk to notify all taxpayers, whose assessments have been ordered made or changed, of the assessment or change and the amount thereof. Such notices shall be sent by mail to the last known postoffice address of the taxpayer. If the address be not known, the sheriff shall serve them. The cost of mailing the notices, or of services, shall be paid out of the county levy.

§ 11. Appeal From Decision of Supervisors—Taxpayers dissatisfied with the action of the county board of supervisors, or who by reason of the shortness of the sessions of that board have not been heard, shall have the right to appeal to the State Tax Board. Such appeals must be presented before the first Monday in February; any later appeals are hereby barred. The appeal may be in writing and sent by mail, in which case it must be verified under oath, or it may be presented in person. The appeal may be heard by the County judge and the facts obtained at the hearing shall be certified by him to the State Tax Board. The board

shall decide the appeal and its decision shall be final. But no taxpayer who has failed, neglected or refused to file a sworn statement of his property shall have the right of appeal, nor shall any such appeal, if attempted to be made, be granted or heard.

§ 12. Certificate of Supervisors—The board of supervisors shall keep a record of the proceedings and of all formal orders issued.. They shall annex their certificate to the assessment roll, book or books, certifying that they have examined the same, and approve them, when amended or corrected as ordered, and shall return them with the record of their proceedings to the county clerk as soon as their last session be over.

§ 13. Compensation of Supervisors—The Supervisors and the clerks shall be allowed for their services four dollars per day for each day they shall be necessarily employed, to be paid one-half out of the State Treasury and one-half by the county. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above compensations computed as above directed. The clerk shall certify to the county court the approval of the assessment roll, book or books, and the number of days of the sessions and the amount due for compensation. The county court shall enter the facts of records and shall certify the same to the State Tax Board, who, if it finds that the proceedings were in order, shall transmit the claims of the supervisors and clerks against the State to the Auditor of Public Accounts, who shall pay the same in the same manner as other legal claims against the State are to be paid. The county court shall also certify the claims of the supervisors against the county to the fiscal court for payment and said court shall provide for their payments.

§ 14. Irregularities Not to Invalidate—Any informality or irregularity in the discharge of their duties by the

supervisors, and any failure of duty on their part, shall not render any assessment invalid.

§ 15. Tax Board May Sit with Supervisors—The State Tax Board may send one or more of its members to attend any session of the board of supervisors, or may send its accredited representative to attend such session or sessions, and such members or representatives shall be empowered to sit with the board of supervisors, and to take part in its proceedings, but shall not have a vote.

§ 16. Books and Records Returned to Clerk—Upon completion of the work of the board of supervisors, the assessment roll, book or books shall be taken in custody by the county clerk, and all maps, statements, orders of the State Tax Board or other records shall be returned to the county tax commissioner.

§ 17. Supervisors Not to Raise State Assessments—No board of supervisors shall raise or lower any assessment of property subject to assessment by the State Tax Board and apportioned to the counties as provided in subdivision three of Article three of this act.

SUBDIVISION II.

The State Tax Board to Act as State Board of Equalization.

§ 1. State Board of Equalization—How Constituted—The State Tax Board shall constitute the State Board of Equalization. It shall have power, at the time of the session provided for in the next section, to raise or lower the assessed value of the property assessed on the rolls of any county, either as a whole or by classes. But it shall not have power to raise or lower any individual assessment, after the same has been approved by the board of supervisors, save on appeal from rulings of a county board of supervisors, as provided for in subdivision 1 of this article.

Provided, however, that this act shall not be construed to abolish the present State Board of Equalization prior to

January 1, 1915, but during the year 1914 the State Board of Equalization as constituted prior to the passing of this act shall have all of its powers and provisions heretofore given to it by law.

§ 2. Meetings—The State Tax Board shall convene at the State Capitol as the State Board of Equalization on the second Monday in February in each year, and remain in continuous session, for the purpose of equalizing the assessment of property between counties throughout the State, for thirty days, or longer, if deemed necessary by the board. It may adjourn its sessions at the State Capitol to reconvene in any county.

§ 3. To Examine Assessments—At this session, the State Board of Equalization shall carefully examine the reports of the district tax commissioners as to the valuations of property in each county, and shall examine the orders made by the county boards of supervisors and shall compare them with all data on file in their office or obtainable from any source, and shall determine whether the assessments conform to the true value in money of the property assessed.

Prior to the annual session of each county board of tax supervisors, the State Tax Board will receive from the County Commissioners and said commissioners shall report their assessments to said State Tax Board, which Board will supervise the assessments and report to the several county boards of tax supervisor such re-assessments as in its opinion may be necessary, and the county supervisors will, at their first annual session, equalize same.

§ 4. Percentage to be Added or Subtracted.—Equalization shall be accomplished by directing that a given percentage shall be added to or subtracted from the assessed value of all the property on the rolls of any county or added to or subtracted from the assessed value of any class of property. Provided, that no percentage shall be added to or subtracted from money or other cash items on the roll by directing that the County Board of Supervisors shall be re-assembled by the

county judge and revise the assessed value of all property on the rolls of that county, or of the assessed value of any class of property, so that the revised assessment will show an increase or a decrease of a given percentage.

§ 5. Percentages on Real Estate—Only in those years when a revaluation of real estate has been made, shall any percentage be added to or subtracted from the assessed value of real estate in any county, except new improvements, but in those years the State Board of Equalization shall give special examination to the completed assessments of real estate.

§ 6. Notifications to Counties of Changes—When it is contemplated by the State Board of Equalization that it will be necessary to raise the assessed value of property in any county, it shall give public notice in that county, in such manner as it shall deem sufficient, to the taxpayers of the county, and to the county court of the county, of the contemplated action, and shall set a day and fix a place for a hearing. At that time and place any taxpayer of the county, or any officer thereof, may appear and shall be heard. The county court may appoint not to exceed five witnesses or accredited representatives of the county to appear at such hearings. The compensation and expenses of such witnesses or representatives shall be paid by the county.

§ 7. When No Equalization is Deemed Necessary—If the State Tax Board shall be satisfied that in any one year, through its supervision of the work of the county tax commissioners of the county boards of supervisors, it has already brought about substantial equality in the assessments throughout the State, it may, on the first day of its session as the State Board of Equalization or within three days thereafter, by notice given to the county court of each county, declare that no percentages will be added to or subtracted from the assessed values of any county on the board's own motion. But any county or any taxpayer within any county, believing the assessed values in any county to be higher or lower than those of any other county, may within ten days after the day

of the issue of the notice of non-intention to equalize, demand a hearing, and said hearing shall be granted and a day and place fixed therefor. In such case the assessed valuation of each and every county shall be subject to equalization as though the notice of intention to make no changes had not been issued.

§ 8. Certificate of Changes to County—Whenever the State Board of Equalization shall have raised or lowered the assessed valuation of property in any county, or any class of property in any county, it shall prepare a verified certificate of such action and forward the same to the county clerk of the county affected. Upon receipt of this certificate, the county clerk shall at once correct the assessment roll by adding or deducting the percentage ordered from each and every assessment to which the action of the State Board of Equalization applies.

When the State Board of Equalization has completed its work, it shall notify also all counties whose assessments were not changed of that fact.

§ 9. Certifications to Auditors—Immediately upon the completion of its work and not later than May first, in each year, the State Board of Equalization shall certify to the Auditor of Public Accounts the final equalized value of the property assessed in each county in the State. The Auditor of Public Accounts shall at once compute the amount of taxes due from each county on the property assessed upon its rolls and shall cause to be printed and sent to each county clerk, each county court and each fiscal court, or its successor in powers, a statement showing the assessments made on property within each county and the State taxes due therefrom. In its report to the Auditor of Public Accounts the State Board of Equalization may give the assessed property by counties in such classes or in such detail as it shall deem necessary and the Auditor of Public Accounts shall publish his statement in substantially the same detail.

ARTICLE V.

Duties of The County Clerks In Relation to The Revenues.

§ 1. County Clerk to Check the Roll—The county clerk shall, after the examination and approval of the assessment roll by the board of supervisors attesting the accuracy of the extensions and additions on said books, make the additions for each of the columns or lines required to be added and determine the aggregate value or other totals in said assessment roll. He shall also make a recapitulation on blanks to be furnished by the Auditor of Public Accounts and record a copy of said recapitulation in said assessment roll with his official seal attached, and send another copy to the Auditor of Public Accounts. It shall be his duty to see that all footings, additions and recapitulations are correct.

He shall annually make out, for the use of the sheriff or collector, in a book furnished by State Tax Board, a correct list of all tithes, and shall deliver the same to the sheriff or collector on or before the first day of March, and take his receipt therefor. For attesting the accuracy of the extensions and additions on said book and for making the additions of each column, and for making out said list of tithes for the sheriff, and for computing and extending the amount of the taxes due, the county clerk shall be allowed annually, out of the State Treasury, three (3) cents for each tax computed against any tax-payer, and also for each line calling for the total values and total taxes. The clerk shall present his account to the county court, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and duly certified to the Auditor, who shall draw his warrant on the treasurer for the amount, and for making out said recapitulation sheet and recording the same in the tax book, said clerk shall receive two (2) cents for each line across the page thereof, including the last number of total values and the same compensation for copy certifying said recapitulation sheet to the Auditor, to be ascertained by the

Auditor and paid by the Treasurer on the warrant of the Auditor. It shall be the duty of the county clerk, after the approval of the tax books by the Board of Supervisors, to mark with a perforating punch, each line of said tax book and the recapitulation sheet, or sheets, upon which a list is not already entered. The fiscal court shall furnish the clerk with said punch. The failure of the county clerk to comply with this provision will subject him to a fine of fifty (\$50.00) dollars which may be recovered by warrant or indictment.

§ 2. County Clerk's Preliminary Report to State—The county clerk must, on or before March first in each year, prepare from the assessment roll of his county, as corrected by the county tax commissioner under the orders of the board of supervisors, a statement in duplicate, showing in separate columns:

- (1) The number of acres of land.
- (2) The total value of all property.
- (3) The value of all lands.
- (4) The value of all improvements on land.
- (5) The value of personal property in such classes as the State Tax Board shall prescribe.
- (6) The assessed value of all property sold for delinquent taxes.

(7) Such other items as the State Tax Board or the Auditor of Public Accounts shall prescribe.

As soon as it is prepared, the clerk shall transmit, by mail, one copy thereof to the Auditor of Public Accounts and the other to the State Tax Board.

§ 3. County Clerk to Complete the Roll—As soon as the county clerk receives from the State Tax Board a statement of the changes ordered to be made by it, when acting as a State Board of Equalization, in the assessment roll of the county, he must make the corresponding changes in the assessment roll of his county by entering the same in a column to be provided with a proper heading in the assessment book or books. In computing the assessments so

changed, any fractional sum when equal to or more than fifty cents shall be counted as one dollar, and any less than fifty cents shall be omitted, so that the value of any separate assessment shall contain no fraction of a dollar.

§ 4. County Clerk to Extend the Taxes—The county clerk must then compute and enter in a separate money column in the assessment book or books, the respective sums, in dollars and cents, rejecting all fractions of a cent, to be paid as a tax on the property therein enumerated, showing also the total amount of all taxes, and the total value of all property as assessed and equalized.

§ 5. County Clerk's Oath—On or before June first in each year the county clerk must deliver the corrected assessment book or books, with the taxes entered therein, to the sheriff, with an affidavit attached thereto, and subscribed by him substantially as follows:

“I, _____, county clerk of the county of _____, do swear that I have examined the assessment book or books of this county and find that they are properly corrected to conform to the action of the board of supervisors, and that I have further corrected them to conform to the action of the State Tax Board; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage as required by law.”

§ 6. County Clerk to Charge the Sheriff with Taxes and Hand final Report to Auditor—On delivering the assessment book or books to the sheriff, the county clerk must charge the sheriff with the full amount of taxes levied, except the taxes due the State on assessments made by the State Tax Board and entered in the State assessment roll. He shall forthwith transmit to the Auditor of Public Accounts, in such form and detail as the Auditor shall prescribe, a verified statement of the amounts so charged showing separately State and local taxes. Any county clerk failing to forward such statement to the Auditor of Public Accounts

for ten days after the roll has been delivered to the sheriff shall forfeit to the Commonwealth one thousand dollars, to be recovered on his bond by action brought by the Attorney General in the name of the Auditor of Public Accounts.

§ 7. Change of Sheriffs—When any assessment roll is transferred from one sheriff to another, the county clerk shall credit the one and charge the other with the amount then outstanding on the assessment roll.

ARTICLE VI.

COLLECTION OF TAXES.

SUBDIVISION I.

Collection by Sheriff—Bond and Duties.

§ 1. Sheriff to Collect—The sheriff, by virtue of his office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer.

§ 2. Sheriff Bond and Quietus—Qualifications of Sureties—Lien—The sheriff or collector shall, on or before the first day of March next succeeding his election, and on or before the said day annually thereafter, enter into bonds with surety for the faithful performance of his duties. A quietus by the Auditor of Public Accounts, and from the fiscal court of his county for the preceding year shall be produced by each sheriff or collector to the county court on or before that day, and no tax book shall be delivered to the sheriff or collector after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute at any time after he receives his certificate of election up to and including the first day of March succeeding his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken

who are nota jointly worth, subject to execution after the payments of all their debts and liabilities, a sum equal to the aggregate amount of money, which may probably be received by the sheriff or collector during the year succeeding the execution of the bond. The Commonwealth, the county and taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff or collector, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or collector, or a de facto sheriff or collector, or any person who may act as sheriff or collector.

§ 3. Failure to Execute Bond Forfeits Office—Appointment of Sheriff or Collector—On the failure of the sheriff or collector to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint a sheriff or collector to fill the vacancy until a sheriff or collector is elected, or it may appoint a collector for the county of all monies due the State, county or taxing district authorized to be collected by the sheriff, or it may appoint a separate collector of all the monies due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty days to appoint a collector of money due the State the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the sheriff, to be approved by the county court, and if the bond be not executed within said time the appointment of another collector may in like manner be made and qualified; but such collector shall only be required to give bond for and collect such taxes or monies as may be mentioned or provided for in order of the county court appointing him.

§ 4. Sheriff or Collector Who Forfeits Office—Not to

be Appointed to Certain Offices—No sheriff or collector who shall forfeit his office under the preceding section, or who shall resign his office, shall be appointed deputy sheriff or collector for the county, or elisor or deputy collector or a deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

§ 5. Sheriff's Revenue Bond—The bond of the sheriff or collector shall be, in substance, as follows: We, A. B. (sheriff or collector, as the case may be), and C. I. and E. F., his sureties, bind and obligate ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A. B. (sheriff or collector, as the case may be), shall faithfully perform his duties. Witness our signatures this.....day of The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office, and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. County Court May Require Additional Bond—The county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court whenever it may deem the interest of the State or county demands; and the sureties on all the bonds executed by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said bond may be executed, whether the liability accrues before or after the execution of such bond or bonds.

§ 7. Outgoing Sheriff to Deliver Office and Settle—Penalty—The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor and, on conviction, be fined in a

sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. Death of Sheriff—Sureties May Nominate Collector—If the sheriff shall die, resign or be removed during his term of office, his sureties shall have the right to nominate a person to collect the revenues for that year, and upon their written nomination of such person he shall be appointed by the county court, and the sureties shall remain liable to the Commonwealth for the taxes with which their principal was charged: Provided, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. Office at Courthouse—Books Kept by—Balances—The sheriff shall keep his office at the county seat of the county, except in counties where the sheriff has an office established in cities or towns other than the county seat, in which counties the sheriff shall continue his office at the place now established, and the fiscal court shall provide him with a room or rooms for an office with a vault of safety in which to keep the records of his office. He shall keep an accurate account of all moneys received by him, showing the amount thereof, the time when, and from whom received and on what account; also, of all the disbursements made by him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on accounts of separate and distinct or specific appropriations shall be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. Sheriff's Books Open to Inspection—The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the

fiscal court or any member thereof, the Commonwealth's and county attorneys, or any taxpayer or person having any interest therein.

§ 11. Bookkeeping—Form of—Auditor to Adopt—It shall be the duty of the Auditor of Public Accounts to adopt a form of bookkeeping and furnish the books not later than March 1, to be paid for as other county records, for the several sheriffs and collectors, and all sheriffs and collectors are required to keep their books and accounts in the manner and form required by the Auditor of Public Accounts, and on intentional failure of any sheriff or collector to keep his books in an intelligible manner and according to the form prescribed by the Auditor of Public Accounts and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars, and on failure of the Auditor of Public Accounts to furnish the sheriffs and collectors with such form of bookkeeping and books, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than one hundred dollars nor more than five hundred dollars. The failure to furnish any sheriff or collector such form of bookkeeping and books shall be deemed a separate offense. The Franklin Circuit Court shall have jurisdiction to try each offense against the Auditor of Public Accounts for violations of this section.

§ 12. Office to be Kept Open—Taxes, Dues, Retained Out of Claims—Witness Fees—The sheriff shall keep his office open for the collection of moneys which he may be entitled to receive, at all reasonable times, except Sunday and legal holidays; and when any money is paid him, he shall immediately enter the same upon his record books and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the

Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. Deputy Sheriffs — Appointment — Bond — The sheriff or collector may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or fault of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. Justices' Districts Visited to Receive Taxes—Notice—The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or printed notices posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

§ 15. Taxes When Due—Reports and Payments to Auditor—Penalty—The sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, August, September, October, November, December, under oath, report to the Auditor of Public Accounts the amount of all taxes he has collected and pay the same immediately, and shall account for and pay all taxes which he has collected for the State into the State Treasury by the first day of December in each year, and upon his failing to do so he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense, and it shall be the duty of the Auditor of Public Accounts to report to the grand jury of Franklin County at the

next term of said court after such failure to report, the name of such sheriff or collector so failing to report. The sheriff or collector shall be required by the Auditor of Public Accounts to pay a penalty of six per centum on all taxes collected and unpaid by him on the 31st day of December in each year. The Auditor of Public Accounts, in his settlement with the sheriff or collector, shall charge him with the penalties accruing under the provisions of this act.

§ 16. Sheriff Not to be Interested in Public Works nor Buy Claims—Penalty—No sheriff or collector shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county or State shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or county. Any sheriff or collector violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred and not more than two thousand dollars for each offense.

§ 17. Misapplication of Funds Collected—Penalty—It shall be unlawful for any sheriff or collector to apply or use any money received by him for any other purpose than that for which such money shall have been paid or collected; every such application shall be deemed a misdemeanor, and, on conviction, the sheriff or collector shall be fined not less than one hundred nor more than five hundred dollars for each offense.

§ 18. Sheriffs' Settlements—Exceptions to—Appeal from Judgment on—Each sheriff or collector shall, when required by the fiscal court, settle his accounts of county or district taxes, and at the regular October term of each year the fiscal court shall appoint some competent person other than the Commonwealth's or county attorneys to settle the accounts of the sheriff or collector of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the

sheriff or collector or county attorney, who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney shall not be required to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

§ 19. Reports to County of Taxes Collected—The sheriff or collector of the State and county revenue of each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December in each year, report under oath to the county court of his county the amount of State and county taxes he has collected, together with all fines, for forfeitures or money, or any other account that shall have been received or collected by him, showing in said report the amount collected for and belonging to each particular fund, for which such revenue or money may be intended, and the disposition of such revenue or money collected by him. Said report shall be filed and recorded in a separate book furnished by the county clerk for that purpose, which shall be open for inspection in the office of the county clerk. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 20. Taxes When Due—Interest and Penalty—All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of June after the assessment, and all taxpayers whose taxes are not paid on the first day of December after the same are due shall be deemed delinquent, and such taxes shall bear

interest at the rate of six per cent per annum from the first day of December after they are due until paid; and any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay a penalty of six per centum additional on the taxes due and unpaid. The sheriff or collector whose duty it is to receive or collect the taxes shall collect the interest and penalty and account for the same in the same way in which they are required to collect and account for the taxes.

§ 21. Sheriff to Record Payments in Assessment Roll—The sheriff must mark the date of payment of any tax in the assessment book opposite the name of the person paying.

§ 22. Tax Receipt—The sheriff must give a receipt to the person paying any tax, specifying the property against which the tax was assessed, the amount of the assessment and the amount paid.

§ 23. Form of Tax Receipt—The Auditor of Public Accounts shall prescribe the form of and furnish the receipts to be given to taxpayers by the sheriff and they shall be uniform each year throughout the State, and distinguished from year to year by difference in color or design, and shall plainly show the year for which the taxes have been paid and the county in which paid. Provided, that the tax receipts to be used by the sheriff for the payment of local taxes only on property assessed by the State Tax Board, the State tax on which is to be paid directly to the State, shall be different in form and color from those for the taxes on other property on which both State and local taxes are collected.

All tax receipts and the stubs thereof shall be numbered consecutively, and charged to the sheriff by said numbers, and he shall return to the Auditor of Public Accounts and be credited therewith, all tax receipts not issued at the time that he makes his final settlement with the Auditor. He shall, however, retain the stubs thereto as part of his office records.

§ 24. Payment of Taxes on Single Parcels of Real Estate—The taxes on any particular lot, piece or parcel of

land contained in any assessment may be paid separately from the whole assessment, if such lot, piece or parcel has a separate valuation in the assessment roll. The sheriff shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amount of such taxes specifically set forth, and such release shall relieve said property from any lien that may exist for any taxes on other property of the same taxpayer.

Joint Owner Paying Tax Has Lien—When land owned by two or more persons shall be assessed co-jointly, and any one or more of them shall not pay their portion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly owing by such delinquent, and may sue for and recover the same.

Court Authorized to Apportion Assessment—When two or more persons own land which has been assessed as one tract, any one, or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If the delinquent taxes are due on said land, any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his pro rata share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given jurisdiction, be prosecuted within sixty days from the rendition of the same.

§ 25. **Assessment Roll Sole Warrant for Collection of Taxes**—The assessment roll shall constitute the sole warrant for collecting taxes and shall be a sufficient warrant for en-

forced collection. Any sheriff or other person receiving any money tendered in payment of taxes, except as hereinafter in this act provided, when such taxes are not charged on the assessment roll, shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary for one year. The money so collected shall be recovered under his bond. Provided, however, that whenever, in the performance of his duties, the sheriff shall discover any property subject to taxation that has been omitted from the assessment roll, it shall be his duty to immediately report the property with a description thereof to the county clerk. The county clerk shall at once apply to the county court for an order to assess the property, and on the issuance of the order shall immediately enter the property in the roll with a valuation and assessment against it, to be approved by the court, as nearly as may be in conformity to the value and assessment of other similar property, and shall extend the taxes against it. The sheriff shall then collect the taxes. If the person whose property has been assessed in this manner shall be dissatisfied with the valuation placed thereon by the clerk and by the county court, he shall pay the taxes to the sheriff under protest, and having done so may appeal to the State Tax Board, and the board shall fix the value. Pending decision of the appeal, the sheriff shall hold the taxes paid under protest and shall adjust the amount to conform to the decision. If the omitted property which the owner failed to list in the statement which taxpayers are required to file with the county tax commissioner the making of an appeal either to the county court or to the State Tax Board shall not work any postponement of the application of delinquency penalties. But in all other cases no penalties for delinquency shall apply until ten days after the appeal shall have been decided.

§ 26. Sheriff's Commissions—The sheriffs or tax collectors shall be allowed by the Auditor of Public Accounts the following commissions upon the sums collected or accounted for or paid into the State Treasury in each year: Upon the

first five thousand (\$5,000) dollars, ten per centum, and upon the residue four per centum. There is hereby appropriated for each year out of any money in the State Treasury not otherwise appropriated, the sums necessary to pay the above commissions, on the Commonwealth's share of the taxes. He shall be allowed by the treasurer of the county ten per centum upon the first five thousand (\$5,000) dollars of the county revenue collected and four per centum upon the residue. Provided, That in no case shall the aggregate annual compensation of the sheriff for all official services exceed five thousand (\$5,000) dollars, independent of the compensation of legally authorized deputies and assistants. Provided, further, that in case any city arranges for the collection of city taxes by the sheriff on the basis of the county assessment rolls, the compensation therefor shall not exceed two per centum of the taxes so collected.

Before the county treasurer, any city treasurer or auditor shall allow the commissions provided for in this section, he shall certify to the Auditor of Public Accounts the amounts to be allowed, at the rates provided for in this section, and the Auditor of Public Accounts shall certify back to the county or city treasurers the amounts which shall be paid. In case the fees or commissions allowed under this section, at the rates herein provided for, exceed five thousand dollars (\$5,000), the amount to be allowed by the counties, the amount to be allowed by the cities, and the amount to be allowed by the Commonwealth, in the aggregate of five thousand dollars (\$5,000) shall be divided in proportion as the commissions on the county taxes, State taxes and the city taxes bear to the total commissions so computed.

It shall be the duty of the Auditor of Public Accounts to ascertain and determine that the aggregate commission shall not exceed five thousand dollars (\$5,000).

§ 27. Tax to Operate as Judgment—For a period of five years every tax has the effect of a judgment against the person, and every lien created by this Act has the force and

effect of an execution duly levied against all the property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof.

§ 28. Tax on Personal Property a Lien on Real Estate—Every tax due and assessed upon personal property is a lien for a period of five years upon the real property of the owner, situated in the same county. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on land assessed to some person other than the owner to the land is a lien upon both the land and the improvements, which liens attach as of the first day of September in each year. Provided, that such liens for taxes on personalty and improvements shall not prejudice the rights of purchasers of such real estate acquired before proceedings shall have been instituted or steps taken to subject the same to such lien.

Whenever the owner of land shall, in order to protect his title, pay the taxes upon any improvements situated thereon but assessed to some other person than the owner of the land, he shall have a lien upon said improvements equal to the amount of the taxes paid.

§ 29. Tax Collected From Persons Removing or Concealing Property—It shall be the duty of the sheriff or collector who at any time has reasonable grounds to believe and does believe that any person from whom a tax is due is about to remove his property from the State, county or taxing district or to conceal the same, to immediately collect said taxes as hereinafter provided for the collection of taxes, costs and penalties of delinquent taxpayers.

§ 30. Secured Taxes Not to Be Collected by Summary Process—Taxes which, in the opinion of the sheriff, are a lien on real estate of an amount sufficient to secure the full payment thereof with penalties and costs if the tax become delinquent shall not be collected by distraint and sale nor by attachment as provided for in subdivision three of this

article. But all other taxes shall, if payment be refused under Section twenty-nine immediately above, or if they become delinquent, be collected by distraint and sale or by attachment. As soon as any taxpayer becomes delinquent, the sheriff or the collector of the county where the property is liable shall distraint sufficient personal property of such delinquent, if found in the county, to satisfy all taxes, interest and penalties due. If a sufficient amount of personal property be not found, then he will levy on a sufficient quantity of the delinquent's land for that purpose. But if no land be found belonging to the delinquent, the sheriff shall levy on any real estate owned by the delinquent at the time of assessment for the taxes or a sufficient amount to satisfy the taxes, cost, and penalties due. If the sheriff makes illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved. A sheriff or tax collector shall sell for cash any property belonging to the delinquent taxpayer so levied upon or as much thereof as will pay the taxes due, penalties, interest and cost and his commission, in the same manner that property is sold under execution, except that the land shall not be valued, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the courthouse door, and by publication once a week for four consecutive weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for fifteen days before the sale at the courthouse door and in three or more conspicuous places in the taxing district; and he shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of sale, and in order to cover the cost of such advertisement and notification, the sheriff or collector shall have one dollar for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State, county or taxing district.

SUBDIVISION II.

Collection of Taxes by Attachment.

§ 1. Collection of Taxes—Sheriff to Give Notice—If the sheriff, his deputy or other persons having revenue, county levy or other taxes of any character, or other public dues, not secured by real estate, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he cannot otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to the person owing him, anywhere he may be found, written notice in substance as follows: “Mr. A. B., the taxes due by C. D. amount to the sum of \$..... cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of..... county, on the first day of its term, to show cause why you should not be adjudged to pay said taxes. Thisday of....., nineteen....., Sheriff.

§ 2. Effect of Notice—Trial Judgment—Sale of Property—This notice shall be signed by the sheriff, his deputy or by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid

or discharged; and, if it be property, the sheriff shall sell the same, after advertising by handbill posted at the courthouse door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 3. Delinquent Not Released Until Tax Paid—The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 4. Notice May Include All Persons Indebted—All persons indebted to the person owing taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 5. Docket—How Made Out—Parties—The proceeding shall be docketed in the name of the Commonwealth and, if necessary, to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and be made party to the proceedings.

§ 6. Judgment—Defenses—The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and, if there be other taxes due the court shall direct the payment thereof: Provided, That the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

SUBDIVISION III.

Collection of Taxes Assessed on the State Assessment Roll.

§ 1. Certain Taxes to be Paid to State Treasurer—All taxes assessed on the State assessment roll shall be paid directly to the State Treasurer.

§ 2. Notice to State Taxpayers—The Auditor of Pub-

lic Accounts shall each year on or before January first send to each company or person, whose property is assessed on the State assessment roll, an order setting forth the amount of the assessment and the amount of the taxes due and payable and directing the taxpayer to pay the amount to the State Treasurer.

§ 3. State Treasurer to Receipt for Taxes—The State Treasurer upon receipt of any taxes shall send the taxpayer a receipt therefor, and shall send the Auditor of Public Accounts each day a statement showing the amounts paid and by whom, and the Auditor shall mark them paid on the State assessment roll with the date of payment.

§ 4. State Taxes Due When—All of such taxes shall be due and payable at the same time as other taxes and shall become delinquent on the same date as other taxes, and the same penalties shall attach as in the case of other taxes.

§ 5. Injunction Not to Issue Against State—No injunction shall ever issue in any suit, action or proceeding in any court against the Commonwealth or against any officer thereof to prevent or enjoin the collection of any taxes levied under the provisions of this act; but after payment of the taxes, action may be maintained to recover any tax illegally collected in the manner provided in the next section hereto.

§ 6. Companies May Sue to Recover—How, When—Any company or person claiming to be injured or aggrieved by the assessment of property may, after having duly presented its or his objections before the commission or board of supervisors as provided for in this act, but not if he has failed or neglected so to do, bring an action for the recovery of any taxes, penalties or costs paid on such assessment. But no such action shall be brought later than six months after the day on which the taxes were due, nor unless such company or person shall have paid the taxes and shall have, on paying the taxes, filed with the Auditor of Public Accounts or sheriff a written protest, stating whether the whole assessment is claimed to be void, or if a part only, what part,

and the grounds upon which such claim is founded; and when so paid under protest, the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the State Treasurer, it shall be instituted in the Franklin Circuit Court. The Attorney General shall defend the action. The provisions of the code as to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes.

ARTICLE VII.

SUBDIVISION I.

Collection of Delinquent Taxes on the State Assessment Roll.

§ 1. Taxes When Delinquent—At the close of business on December first in each year, all taxes appearing unpaid on the State assessment roll are delinquent. Thereupon the same penalties shall attach as attach in the case of other taxes.

The taxes levied under the provisions of this act shall constitute a lien upon the property and franchises of every kind and nature belonging to the companies subject to taxation on the State assessment roll, and that lien shall attach on the first day of September of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until all such taxes, penalties, and costs are paid, or the property sold for the payment thereof.

§ 2. Proclamation of Delinquency—The Auditor of Public Accounts shall prepare a list of delinquent tax-payers and shall certify the same to the Governor who shall issue his proclamation, declaring these tax-payers delin-

quent. The proclamation shall be published by the Secretary of State once each week for three successive weeks in a daily newspaper of general circulation, published at the State Capital, and in one paper of general circulation published in Louisville, and one of general circulation published in Lexington. The proclamation shall recite the fact that if these taxes are not paid on or before February first next thereafter action will be commenced to recover the taxes, and shall recite the additional charges and penalties which will be incurred. A charge of fifty cents for each assessment shall be added to the amount due to cover cost of publishing the delinquent list.

§ 3. Attorney General to File Suits—As soon as possible after February first in each year, the Attorney General shall file suits in the Circuit Court of Franklin County against all companies then appearing delinquent, as defendants to recover the amount due the State. Suit shall be brought for the amount of the taxes, penalties, and costs due with interest at six per cent per annum on the entire amount from the first day of January last preceding, together with the following costs: five dollars for each suit brought, together with the actual cost of action to be allowed by the court. The provisions of the code relating to pleadings, proofs, trials, and appeals are hereby made applicable to the proceedings herein provided for, and writ of attachments may be issued.

Receivers May Be Appointed—In the case of public utility companies, the seizure and sale of whose property might result in damage or inconvenience to the public by stoppage of the service, receivers may be appointed by the court to collect the income of such companies until the amount of the judgment be recovered. The State assessment roll shall be prima facie evidence of the amount of the taxes due, and of the validity of the assessment. Invalidity of the assessment cannot be pleaded as a defense in such actions, inasmuch as another remedy has been hereinbefore in this

act provided for persons claiming to be aggrieved or injured by the assessments.

ARTICLE VIII.

BONDS OF OFFICERS—PENALTIES THEREUNDER.

§ 1. Bonds of Officers—Bind to What—The bonds of all officers mentioned in this Act shall bind them and their sureties for the faithful performance of their duties and for all moneys which shall come to their hands by virtue or color of their offices, and the strict accounting of all moneys due by them to the State, or other taxing districts, and for the correctness of all amounts claimed and collected by them as commissions or compensation for their services.

§ 2. Penalty—How Enforced—Whenever any penalty is provided for in this Act it may, unless otherwise specially stated, be enforced either by indictment in the circuit court of the county or by action in any court having competent jurisdiction.

§ 3. Penalty When Not Prescribed—When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden or required by this Act, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 4. Officer Not to Retain Fee—No officer named in this Act shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 5. Penalties for Failure of Duty by County Tax Commissioner—The county tax commissioner shall, for any failure of his duty under the law, where no other penalty is provided, be fined in any sum not less than twenty-five dollars nor more than fifty dollars.

§ 6. Remedy for Non-performance of Duty by Officer

—Anyone injured by failure of or the improper performance of the duties of the county tax commissioner or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the taxes thereon, and on all other real property of his liable to assessment.

§ 7. Clerk Failing to Pay Redemption Money—Penalty—If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and twenty per cent interest thereon annually from the time he received it until paid.

§ 8. Selling Twice—Penalty—If any sheriff or collector shall knowingly sell the same tract or parcel of land, or any personal property, more than once for the same tax, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 9. County Attorney to Prosecute—The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent of the fine recovered.

§ 10. Penalty for Members of State Tax Board—The members of the State Tax Board who are authorized by law to assess values for taxation, shall assess all property at its fair cash value, and any such officer who shall commit any willful error in the performance of his duties, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum from five hundred to five thousand dollars, and forfeit his office, and the judgment of conviction shall recite the said forfeiture of office which shall be considered a part of the penalty and of the judgment thereon. The fines herein provided against the members of the State Tax Board may be recovered and the forfeiture of office had,

in the Franklin Circuit Court, or in the circuit court of the county wherein the violation of the law occurred.

§ 11. Penal Action by Any Taxpayer—Any taxpayer residing in the Commonwealth may, in the Circuit Court having jurisdiction institute, in the name of and on behalf of the Commonwealth, a penal action for the recovery of the fines prescribed against members of the State Tax Board in the preceding section, and when the fine has been paid the taxpayer who instituted such suit shall be entitled to fifteen (15) per cent of said fine, to be paid by the State Auditor when the fine is reported and paid to him.

ARTICLE IX.

§ 1. Any person, firm or corporation who is the owner or holder of any notes, accounts, bonds, mortgages or securities, which have never been assessed for taxation, who shall voluntarily list same to the assessor for assessment as of the first day of September of the year in which this law goes into effect, shall not be liable for the payment of any back taxes thereon to the State, county, municipality or taxing district.

§ 2. No suit shall be maintained in any court of this State on any note or other security if the said note has not been previously assessed for taxes, if any assessment period has been passed hereafter, without the said note having been assessed, and if any judgment shall hereafter be satisfied for the collection of any note on which the taxes have not been paid, the owner of the note shall produce to the court or clerk thereof satisfactory evidence that said note has been assessed and if the owner thereof fail to do so the taxes thereon shall be retained out of the money so recovered by the court of the clerk thereof and pay same over to the collecting officer of the State, County, City, Town or Taxing District to which same is due and payable.

ARTICLE X.

§ 1. The following sections of Carroll's Statutes of Kentucky, Edition of 1909, are hereby repealed: Section 4019 to and including 4054; Sections 4056 to and including 4076a; Sections 4077 to and including 4092e; Sections 4095 to and including 4114, Section 4115 to and including Sections 4148a and 4149a; Sections 4239 to and including 4241; Sections 4268 to and including 4281. The following Acts are also repealed: (1) An Act entitled: "An Act amending an Act relative to Revenue and Taxation; approved March 15, 1906," approved March 19, 1912, same being Chapter 131 Acts of 1912; "An Act entitled: 'An Act to amend Section 4143 of the Kentucky Statutes,' " approved March 12, 1912 and being Chapter 40, Acts of 1912.

§ 2. Nothing in this Act shall be construed as invalidating any tax levied, or which should have been levied or any assessment of property for purposes of taxation made or which should have been made prior to the passage of this Act nor as suspending the collection or in any way changing the mode of or the procedure in the collection of any such tax or of any tax which became a lien on any property prior to the passage of this Act. All taxes to be levied and assessed as of the first of September, 1913, and all taxes to be collected for the fiscal year ending June 30, 1914, shall be levied, assessed and collected under the laws in force prior to the passage of this Act. Insofar as any such taxes, assessments, collections or any tax lien, are concerned, all laws relative thereto in force prior to the passage of this Act, shall be deemed of full force and effect until said taxes to be paid thereunder shall have been paid, or the property subject thereto shall have been sold for the non-payment of said taxes. Nor shall anything in this Act be construed as invalidating or suspending any provision of the law in force prior to the passage of this Act providing for the retrospective assessment of any property for purposes of taxation

which should have been assessed prior to the passage of this Act. Nor shall the provisions of this Act be construed as applying to any suit or action now pending in any court and affecting the validity of any tax. Should the assessment or levy of any tax levied under the laws, in force prior to the passage of this Act, be held to be invalid, on account of any failure of any assessing or taxing official to comply with the requirements of the statutes, said property shall be assessed by the proper officers under the provisions of the law as they existed prior to the passage of this Act.

Nothing in this Act shall be construed as affecting the assessment of building and loan associations, and it is hereby declared that the franchises, privileges and all property of building and loan associations and shares of stock in the same are fully covered by the provisions of Section 4093 and 4090 Kentucky Statutes.

Should any section or paragraph of this Act be held unconstitutional that shall not affect the validity of any other section or paragraph, it being the intention of the General Assembly to enact each paragraph and section as a separate statute.

§ 3. Because of the gross inequalities in the equalization of taxes in Kentucky and the deficit in the State Treasury, an emergency is declared to exist and this act shall take effect and be in full force after its passage and approval by the Governor.

Mr. Speer moved that the Senate do now adjourn.

Said motion was agreed to.

And the Senate adjourned.

TUESDAY, MARCH 17, 1914.

The Senate was opened with prayer by the Reverend Roger T. Nooe, of the Christian Church.

On motion of Mr. Marshall the reading of the Journal was dispensed with and the Journal approved.

The Senate took up for further consideration a bill, which was under discussion at the time of adjournment, of the following title, viz.:

H. B. 45. An Act to revise a part of the revenue laws of this State and to repeal certain sections of Carroll's Statutes of Kentucky, Edition of 1909, and subsequent Acts amendatory thereof, all relating to revenue and taxation.

Mr. Huffaker moved that said bill be read section by section.

Mr. Frost moved to amend said motion as follows, viz.:

That Bill 45 be not read section by section, but only such sections be read in which the House had changed the Tax Commission Bill or to which the Senate Committee or a Senator offers an amendment.

Mr. Glenn moved the previous question.

The President then announced: Shall the main question be now put?

And the question being taken thereon it was decided in the affirmative.

The question was then taken on the amendment to said motion and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Glenn and Hiles were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	J. B. Hiles	Robert H. Scott
Charles Arnett	S. L. Marshall	J. T. Tunis
W. A. Frost	C. F. Montgomery	Mitchell Vincent
Seldon R. Glenn	W. B. Moody	J. R. Zimmerman
Webster Helm	J. F. Porter	—14

Those voting in the negative were—

T. F. Bagby	John H. Durham	T. J. Moore
W. J. Bale	John F. Ford	H. G. Overstreet
W. W. Booles	Walker C. Hall	Sam L. Robertson
Joe F. Bosworth	D. H. Hildreth	G. G. Speer
Hiram M. Brock	C. Holman	W. F. Welch
J. Will Clay	Hite Huffaker	
Nim R. Cobern	Chas. H. Knight	—19

The question then being taken upon the motion proposed by Mr. Huffaker, it was decided in the affirmative.

The President laid before the Senate the following communication:

Mr. and Mrs. H. M. Bosworth extend to the President, the Senators, their wives and friends, the officials and employes an invitation to attend an informal reception in his office from 9 o'clock this evening until adjournment.

Mr. Robertson moved that said invitation be received and accepted with thanks.

Said motion was agreed to.

Mr. Frost moved that the rules be suspended and the order of business be suspended.

Mr. Moore moved to amend said motion as follows: "And that said motion be tabled."

The question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Frost and Moody, were as follows, viz.:

Those voting in the affirmative were—

T. F. Bagby	John H. Durham	Hite Huffaker
W. J. Bale	John F. Ford	Chas. H. Knight
W. W. Booles	Walker C. Hall	T. J. Moore
Joe F. Bosworth	Webster Helm	Sam L. Robertson
J. Will Clay	D. H. Hildreth	Dr. H. G. Sanders
Nim R. Cobern	C. Holman	G. G. Speer

—18

Those voting in the negative were—

Robert Antle	C. F. Montgomery	J. T. Tunis
Charles Arnett	W. B. Moody	Mitchell Vincent
W. A. Frost	J. F. Porter	W. F. Welch
Seldon R. Glenn	M. O. Scott	J. H. Williams
J. B. Hiles	Robert H. Scott	J. R. Zimmerman

—15

Mr. Huffaker moved to reconsider the vote by which the Senate had laid said motion on the table.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Frost and Arnett, were as follows, viz.:

Those voting in the affirmative were—

T. F. Bagby	John F. Ford	Chas. H. Knight
W. J. Bale	Walker C. Hall	T. J. Moore
W. W. Booles	Webster Helm	Sam L. Robertson
Joe F. Bosworth	D. H. Hildreth	Dr. H. G. Sanders
J. Will Clay	C. Holman	G. G. Speer
John H. Durham	Hite Huffaker	—17

Those voting in the negative were—

Robert Antle	C. F. Montgomery	Mitchell Vincent
Charles Arnett	W. B. Moody	W. F. Welch
Nim R. Cobern	J. F. Porter	J. H. Williams
W. A. Frost	M. O. Scott	J. R. Zimmerman
Seldon R. Glenn	Robert H. Scott	
J. B. Hiles	J. T. Tunis	—16

The Committee on Revenue and Taxation proposed the following amendment, viz:

Amend House Bill No. 45 as follows:

1. On page 4, line 53, insert the following:

“Shares of stock in companies incorporated under the laws of this State, or any other State, shall be assessed at the domicile of the corporation and not elsewhere.”

2. By striking out Article 2, subdivision 1, and inserting in lieu thereof the following:

ARTICLE II.

THE STATE TAX COMMISSION AND ASSESSORS.

SUBDIVISION 1.

MEMBERSHIP AND ORGANIZATION OF THE STATE TAX COMMISSION

§ 1. State Tax Commission, Membership.—There shall be a State Tax Commission composed of three commissioners, electors of the State, not less than thirty years of age, not more than two of whom at any one time shall be of the same political party.

§ 2. Appointment and Term.—The three Commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate. The three first to compose the Commission shall be appointed on or before the fourth day of March, 1914, or as soon after passage of this Act as may be feasible, and, if possible, prior to the final adjournment of the Legislature of this session. Of the three persons first appointed, one shall be appointed and designated to serve for a term ending on the fourth day of March, 1916, and for a term ending on the first day of March, 1917, and one for a term ending on the first day of March, 1918. Each of said terms shall begin upon the qualification of the person appointed therefor. Upon the expiration of the term of the three Commissioners first to be appointed, as aforesaid, each succeeding Commissioner shall be appointed and hold his office for the term of four years, and each Commissioner shall hold his office until his successor shall have been appointed and has qualified. The Commissioners shall be eligible for reappointment. They shall, during their term of office reside at the State Capitol. No person having been appointed and having served as a member of the Tax Commission shall be eligible for any elective office in this State for a period of two years after he ceased to serve as Commissioner.

§ 3. The Governor may at any time remove any Commissioner for inefficiency, neglect of duty, malfeasance in office,

political activities, or continued ill health incapacitating him for the performance of his duties, but, before removal, the Commissioner shall be furnished with a copy of the charges against him, and have an opportunity to be heard in defense.

§ 4. Entire Time to Serve.—Each Commissioner and each employee of the State Tax Commission shall devote his entire time to the duties of his office and shall not hold any other position of trust or profit, or engage in any other occupation or business, or serve on or under any committee of any political party during his incumbency of the office.

Political Activity Forbidden.—Any Commissioner or employee of the Commission who shall engage in political activity, or who shall in any manner contribute or cause to be contributed, money or any other thing of value to any person for election purposes, or who shall influence or attempt to influence any person politically, or any legislation through the instrumentality of his office or position, except as otherwise in this act specifically provided, shall be removed from office or position by the Governor, if the guilty party be a member of the Commission, or by the Commission if an employee, but before removal, such person shall be furnished with a copy of such charges against him and have an opportunity to be heard in defense. Any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than fifty dollars, nor more than one thousand dollars for each offense.

§ 5. Salary.—Each Commissioner shall receive a salary of three thousand five hundred dollars per annum, payable monthly as other State salaries are paid.

§ 6. Officers and Employees.—The Commissioners shall elect one of their number as chairman, and the State Tax Commission is authorized to employ a secretary, appraisers, experts, clerks, bookkeepers, stenographers and other assistants and to fix their compensation. The salary of the secretary shall not exceed two thousand dollars per annum and

the aggregate expense for the central office force of clerks, bookkeepers and stenographers shall not exceed three thousand dollars per annum. The Commissioners, secretary, appraisers, experts, clerks, bookkeepers, stenographers, and other assistants that may be employed, shall be entitled to receive from the State their actual and necessary expenses when traveling on business of the Commission. Such expenses shall be submitted in an itemized claim sworn to by the person who incurred the expense, and the claim must be approved by the Commission. The aggregate for appraisers, and experts, and for traveling expenses shall not exceed five thousand dollars per annum; provided, however, that in any year in which there is to be made a quadrennial appraisal of real estate as hereinafter in this act provided, the commission may, with the consent of the Governor, anticipate the allowance for one or more succeeding years, and may use unexpended balances of previous years, but in no case shall the expenditures for this purpose exceed an average of five thousand dollars per annum for any four-year period.

§ 7. Quorum.—A majority of the Commission shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining Commissioners to exercise all the powers of the Commission so long as a majority remains. Any investigation, inquiry, or hearing, which the Commission is authorized to hold or undertake, may be held by or before any one member of the Commission, and any decision or order made pursuant thereto shall, if approved and confirmed by the Commission, as shown on the records of the Commission, be deemed the decision or order of the Commission.

§ 8. Seal.—The State Tax Commission shall have an official seal with the words “The Tax Commission of Kentucky” and such other design as the Commissioners may prescribe engraved thereon, by which it shall authenticate its orders and proceedings.

§ 9. Office Rooms, etc.—The Custodian of Public buildings shall assign to the State Tax Commission suitable quarters in the Capitol building and shall provide the necessary office furniture. The Commission may purchase the necessary supplies, books, periodicals and maps. All the necessary expenses shall be audited and paid as other expenses are audited and paid.

§ 10. Sessions.—The Commission shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public. The Commission shall keep a record of its proceedings, which shall be a public record. The Commission may hold sessions at any place within the State. Provided, however, that sessions at which information required to be kept confidentially by subdivision 2, Section 4, of this article, would be disclosed, and records of such information, shall not be open to the public.

By striking out Section 1, and the first ten lines of Section 2, of subdivision 3, on page 14, and insert in lieu thereof the following:

SUBDIVISION 3.

COUNTY TAX COMMISSIONERS.

§ 1. Power of County Assessor Transferred to the County Tax Commissioner.—The office of county assessor is hereby abolished under the provisions of Section 104 of the Constitution and the present incumbents shall be made County Tax Commissioners as provided in Section three immediately hereafter. There are hereby transferred to the State Tax Commission and the County Tax Commissioners all the powers and duties heretofore exercised by, or performed by the county assessors, in so far as such powers and duties are not changed by law. The County Tax Com-

missioners and their deputies shall exercise and perform such other powers and duties as may be imposed upon them by law, or by the orders of the State Tax Commission.

§ 2. Appointment and Election of County Tax Commissioners.—The Governor shall, immediately upon the passage of this Act, appoint all of those persons who were duly elected as county assessors in November, 1913, to be County Tax Commissioners in and for the counties in which they were elected. The term of office of such County Tax Commissioners shall be equal to the term of office for which they were elected county assessor. Thereafter such County Tax Commissioners shall be elected as assessors are now elected by law subject to the qualifications provided for in this Act, except that the County Tax Commissioners shall be eligible for re-election.

Amend Article 3, Subdivision 3, Section 1, by striking out in line 7 of said section the word "property" and in line 8 the words "as any other property."

Amend Section 2, of Subdivision 1, of Article 3, on page 20, by striking out all of said section after line 2 thereof, and by striking out all of Section 2a.

Amend Article 3, Subdivision 3, Section 2, page 39 in line 12, by striking out the word "county" and insert in lieu thereof the word "country."

Amend Article 9, Section 2, page 89, by striking out said Section 2.

Amend Section 2, of Article 10, by striking out of line 31 thereof the figures "4090," and insert in lieu thereof the figures "4094."

The Committee on Revenue and Taxation proposed the following amendment to its amendments, viz.:

Amend 2nd. Committee amendment by inserting the word "Board" for the word "Commission" and the word "member" for the word "Commissioner" whenever they occur in said amendment.

Amend by striking out 5th amendment of Committee amendments.

Said amendments to Committee amendments were agreed to.

Said Committee amendments as amended were agreed to.

The Committee on Revenue and Taxation proposed the following amendment, viz.:

Amend Subdivision 2, Article 2, Section, by inserting in line 18, on page 9, after the word "assessment" the words "and the Secretary of Agriculture," and in line 23 on said page insert the word "seven" in lieu of the word "six."

Said amendment was disagreed to.

Mr. Brock proposed the following amendment, viz.:

Amend Section 1, line 5, by changing the figures "21-12" to "21-;" line six by changing the figures "26" to "26½."

Said amendment was disagreed to.

Mr. Vincent proposed the following amendment, viz.:

Amend Article three, entitled "Assessment of Property," by striking out all of Section three on page 21.

Said amendment was disagreed to.

Mr. Hall proposed the following amendment, viz.:

Amend subdivision three, article three, on line 17 of page 38, of the printed House Bill 45, by adding to said line the following sentence: "Provided, however, that any private corporation incorporated under the laws of the Commonwealth of Kentucky not doing public service shall pay, in lieu

of a tax on its franchise, and annual license tax of 75 cents on each one hundred thousand dollars of its entire authorized capital stock, in addition to the tax on all its tangible and intangible property, and any such corporation incorporated under the laws of any State other than Kentucky shall pay such license tax only on a proportion of its capital stock which the business done by it in the State of Kentucky bears to all the difference done by it everywhere.”

Said amendment was agreed to.

Mr. Montgomery moved that further consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

The yeas and nays being required thereon, by Messrs. Frost and Moody, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	C. F. Montgomery	J. T. Tunis
W. J. Bale	J. F. Porter	Mitchell Vincent
John F. Ford	M. O. Scott	J. H. Williams
W. A. Frost	G. G. Speer	—11

Those voting in the negative were—

T. F. Bagby	Webster Helm	T. J. Moore
W. W. Booles	J. B. Hiles	H. G. Overstreet
Joe F. Bosworth	D. H. Hildreth	Sam L. Robertson
Hiram M. Brock	C. Holman	Dr. H. G. Sanders
Nim R. Cobern	Hite Huffaker	Robert H. Scott
John H. Durham	Chas. H. Knight	W. F. Welch
Seldon R. Glenn	S. L. Marshall	J. R. Zimmerman
Walker C. Hall	W. B. Moody	—23

Mr. Zimmerman moved the previous question.

The President then announced: "Shall the main question be now put?"

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hiles and Glenn, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	C. F. Montgomery	J. T. Tunis
W. A. Frost	J. F. Porter	Mitchell Vincent
Seldon R. Glenn	M. O. Scott	J. H. Williams
J. B. Hiles	Robert H. Scott	J. R. Zimmerman
S. L. Marshall	G. G. Speer	—14

Those voting in the negative were—

T. F. Bagby	Walker C. Hall	T. J. Moore
W. J. Bale	Webster Helm	H. G. Overstreet
W. W. Booles	D. H. Hildreth	Sam L. Robertson
Joe F. Bosworth	C. Holman	Dr. H. G. Sanders
Hiram M. Brock	Hite Huffaker	W. F. Welch
John H. Durham	Chas. H. Knight	
John F. Ford	W. B. Moody	—19

Mr. Frost moved that the rules be suspended and that House Bill 74 be placed upon its passage.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Zimmerman and Frost, were as follows, viz.:

Those who voted in the affirmative were—

John F. Ford	C. F. Montgomery	J. T. Tunis
W. A. Frost	J. F. Porter	Mitchell Vincent
Seldon R. Glenn	M. O. Scott	J. H. Williams
J. B. Hiles	Robert H. Scott	J. R. Zimmerman
S. L. Marshall	G. G. Speer	—14

Those who voted in the negative were—

Charles Arnett	Walker C. Hall	T. J. Moore
W. J. Bale	Webster Helm	H. G. Overstreet
W. W. Booles	D. H. Hildreth	Sam L. Robertson
Joe F. Bosworth	C. Holman	Dr. H. G. Sanders
Hiram M. Brock	Hite Huffaker	W. F. Welch
J. Will Clay	Chas. H. Knight	
John H. Durham	W. B. Moody	—19

Mr. Knight moved that the vote by which the Senate had refused to suspend the rules and place said bill upon its passage be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. R. H. Scott moved that the rules be suspended and that House Bill No. 130 be placed upon its passage.

The question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. R. H. Scott and Montgomery, were as follows, viz.:

Those voting in the affirmative were—

John F. Ford	J. B. Hiles	C. F. Montgomery
Seldon R. Glenn	S. L. Marshall	J. F. Porter

M. O. Scott	G. G. Speer	J. R. Zimmerman
Robert H. Scott	Mitchell Vincent	—11

Those voting in the negative were—

Charles Arnett	Nim R. Cobern	Chas. H. Knight
T. F. Bagby	John H. Durham	W. B. Moody
W. J. Bale	Walker C. Hall	H. G. Overstreet
W. W. Booles	Webster Helm	Sam L. Robertson
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	C. Holman	W. F. Welch
J. Will Clay	Hite Huffaker	—20

Mr. Knight moved that the vote by which the Senate had refused to suspend the rules and place said bill upon its passage be reconsidered, and that said motion lie on the table.

Said motion was agreed to.

Mr. Helm moved that debate on all bills be limited to five minutes to each Senator.

Said motion was agreed to.

Mr. Speer moved the previous question.

The President then announced: "Shall the main question be now put?"

And the question being taken thereon it was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of

said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the negative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	Webster Helm	Dr. H. G. Sanders
Nim R. Cobern	J. B. Hiles	Robert H. Scott
John F. Ford	S. L. Marshall	J. T. Tunis
W. A. Frost	W. B. Moody	
Seldon R. Glenn	Sam L. Robertson	—13

Those voting in the negative were—

Robert Antle	Walker C. Hall	M. O. Scott
T. F. Bagby	D. H. Hildreth	G. G. Speer
W. J. Bale	C. Holman	Mitchell Vincent
W. W. Booles	Hite Huffaker	W. F. Welch
Joe F. Bosworth	Chas. H. Knight	J. H. Williams
Hiram M. Brock	T. J. Moore	J. R. Zimmerman
J. Will Clay	H. G. Overstreet	
John H. Durham	J. F. Porter	—22

Mr. Moody moved that Ex-Senator J. C. Graham be elected a page of the Senate for the day, to serve without pay.

Said motion was agreed to.

Mr. Bale, of the Committee on Enrollment, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, viz.:

S. B. 30. An Act to amend Section 3, of Chapter 72 of the Acts of 1910.

S. B. 121. An Act to amend an act entitled "An Act for the creation and regulation of private corporations," being an act relating to the subject of insurance and the transaction of the business of life and casualty insurance, or both life and casualty insurance, upon the co-operation or assessment plan.

S. B. 215. An Act to repeal an Act entitled: "An Act to amend the charter of the Twelve Mile Turnpike Company," approved January 22, 1867, and is chapter 1069, of the Session Act of 1867, and is chapter 62 of the Session Act of 1898.

S. B. 94. An Act to further regulate the admission of inmates to the House of Reform.

S. B. 25. An Act to repeal Section 950, of the Kentucky Statutes, regulating the jurisdiction of the Court of Appeals in civil cases, and to substitute therefor.

S. B. 217. An Act authorizing the Commissioners of the Sinking Fund of Kentucky to sell and convey the House and ground known as the Governor's old Mansion and appropriating money to complete and furnish the Governor's new mansion.

S. B. 148. An Act concerning illiteracy in the State of Kentucky and to provide for the creation of a commission to be known as "The Kentucky Illiteracy Commission," and to provide for the duties and powers thereof.

S. B. 199. An Act relating to the sale and use of tobacco and cigarettes and providing punishment for violations thereof.

S. B. 179. An Act to amend Section 2 of an Act en-

titled "An Act to provide for the investigation of fires in this Commonwealth and to provide for the appointment of a Fire Marshal of the State of Kentucky and for assistance to the Fire Marshal, fixing their powers and duties; also to provide for the payment of the Fire Marshal's salary and the payment of expenses incurred in investigation of fires in this Commonwealth, including the pay of assistants to the Fire Marshal," which was approved March 11, 1912.

S. B. 294. An Act concerning the trial and punishment of persons indicted for a felony or misdemeanor.

S. B. 295. An Act concerning the parole by the State Board of Penitentiary Commissioners of convicts confined in the Penitentiary, Houses of Reform and State Reformatories and to provide for the employment, care, and supervision of such convicts while on parole.

S. B. 77. An Act to amend an Act entitled "An Act for the government of cities of the third class in the Commonwealth of Kentucky," which was approved June 18, 1893, and thereafter in due course became a law, and as same, has since been amended, all of which said act and amendments now appear as Article 4, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909.

S. Res. 8. A resolution for the payment to the widow of the late William Carnes, the salary due him for services rendered the State as Special Judge of the Breathitt Circuit Court in the case of the Commonwealth v. Hargis.

And found the same correctly enrolled.

Said bills and resolution were then compared by the clerks in open session of the Senate, and found to be correctly enrolled. Thereupon, the President affixed his sig-

nature thereto and they were delivered by the clerk to the House of Representatives for comparison and for the signature of the Speaker of that body.

A message was received from the House of Representatives, announcing that they had passed bills which had originated in the Senate of the following titles, viz.:

S. B. 321. An Act further regulating the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to provide for the appointment of two additional assistant inspectors; to fix the salaries of the Chief Inspector and the Assistant Inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

S. B. 2. An Act to amend Section 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof, and amending said Article 10 of said Statutes, relating to schools by adding thereto, section 4500b.

S. B. 141. An Act fixing the jurisdiction of county judges and justices of the peace in original cases.

S. B. 269. An Act relating to liens of employees and material men on property of railroads and other improvement companies.

Mr. Moody moved that the session be extended indefinitely.

Said motion was agreed to.

Mr. Marshall moved that the Senate do now take a recess for fifteen minutes.

Said motion was agreed to.

After fifteen minutes' recess, the Senate reconvened.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined bills and a resolution, which originated in the Senate, of the following titles, viz.:

S. B. 76. An Act to give consent by the State of Kentucky to the acquisition by the United States of such lands as may be needed for the establishment of a National Forest Reserve in said State.

S. B. 15. An Act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the first and second class.

S. B. 63. An Act to repeal and re-enact an Act entitled, "An Act granting pensions to indigent and disabled confederate soldiers," which Act became a law March 1, 1912.

S. B. 258. An Act to create the 16th and 19th Senatorial Districts of Kentucky.

S. B. 321. An Act further regulating the operation of coal mines; to provide a more efficient supervision and regulation of such mines; to provide for the appointment of two additional assistant inspectors; to fix the salaries of the Chief Inspector and the assistant inspectors of mines; and to otherwise provide for greater protection to the lives and health of persons employed in and about the coal mines in this State.

S. B. 141. An Act fixing the jurisdiction of county judges and justices of the peace in original cases.

S. B. 269. An Act relating to liens of employees and materialmen on property of railroads and other improvement companies.

S. B. 218. An Act to amend and re-enact Section 20 of the Banking Act of 1912, relating to the incorporation of banks, combined banks and trust companies, and to amend Section 6 of said Act by providing for the employment of an additional bank examiner.

S. B. 91. An Act to regulate the labor and employment of children and minors, and to make the provisions thereof effective.

S. Res. 28. Joint resolution for Mrs. Berkshire.

And found the same correctly enrolled.

Said bills and resolution were then compared by the Clerks in open session of the Senate and found to be correctly enrolled. Thereupon, the President affixed his signature thereto and they were delivered by the Clerk to the House of Representatives for comparison, and for the signature of the Speaker of that body.

A message was received from the Governor, by his Private Secretary, announcing that he had approved and signed bills which had originated in the Senate of the following titles, viz.:

S. B. 3. An Act to amend and re-enact Section 1309, relating to carrying concealed weapons.

S. B. 81. An Act providing the time and manner of electing United States Senators.

S. B. 303. An Act to amend an Act entitled, "An Act to incorporate the Kentucky Institution for the Education of the Blind, and to provide for the regulation thereof."

A message was received from the House of Representatives, announcing that they had passed bills, which had originated in the Senate, of the following titles, viz.:

S. B. 31. An Act to provide a deputy or clerk for the coroner of counties in the Commonwealth having a population of two hundred thousand (200,000) or over.

S. B. 153. An Act to amend Section 3290 in Subdivision 2, of Article 4, Chapter 89, Kentucky Statutes.

S. B. 270. An Act requiring tobacco, warehousemen, handling loose-leaf tobacco, to post on their premises the number of pounds and the average price thereof of each day's sales and prescribing penalty.

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory, and the Kentucky Penitentiary, at Eddyville, Kentucky, for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary, and declaring the lands so leased public works of the Commonwealth of Kentucky.

S. B. 238. An Act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

S. B. 246. An Act to amend Section 965, of Subdivision

1, of Article 2, of Chapter 35, of the Kentucky Statutes (Carroll's Edition, 1909), and the amendment to said Act which became a law March 14, 1912, insofar as said section and amendment applies to the holding of circuit courts in the counties of Lee, Estill, Breathitt and Wolfe, in the 23rd Judicial District.

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and Subsections 3, 4 and 5 of Section 20, Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20, of Chapter 65a, of the Kentucky Statutes, 1909 Edition, to provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls, and the inmates thereof, and to provide for the payment into the State Treasury of the revenues derived from said houses of reform.

S. B. 267. An Act to amend Section 1, of an Act entitled, "An Act to amend an Act entitled, 'An Act for the government of cities of the first class,' approved July 1, 1893," approved March 21, 1906, and being Section 2833, Kentucky Statutes, Carroll's Edition of 1909.

S. B. 326. An Act to repeal and re-enact Section 3076, of the Kentucky Statutes, relating to the power to grant licenses, and to direct the manner of issuing, the regulating the same, and the fees and charges to be paid therefor in cities of the second class.

S. B. 358. An Act to amend Section 747, Subdivision 8, Chapter 32, of the Kentucky Statutes, relating to salary of Insurance Commissioner, deputy and clerks.

A message was received from the House of Representatives, announcing that it had concurred in the Senate amendment to a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 13. An Act relating to the holding of Circuit Courts in counties having therein cities of the 6th class or larger, located within two miles of the geographical center of said county, and ten miles or more from the county seat thereof.

Mr. Porter moved that the Senate do now adjourn, to meet again at 7 p. m.

Said motion was agreed to.

EVENING SESSION.

Pursuant to the order of adjournment, at 7 p. m. the Senate reconvened.

A message was received from the Governor, by his Private Secretary, in writing, as follows, viz.:

March 17, 1914.

To the Senate of Kentucky:

I nominate and, by and with the advice and consent of the Senate, will appoint the following Notaries Public for their respective counties in Kentucky:

Allen, Rector, Fayette, Lexington, Ky.

Beimforde, H. J., Kenton, Covington, Ky.

Blackburn, Mary, Muhlenberg, Central City, Ky.

Blount, E. C., Lewis, Tolesboro, Ky.

Chandler, John H., Jefferson, Louisville, Ky.

Dixon, M. B., Allen, Scottsville, Ky.

Duvall, Jerome, Carter, Grayson, Ky.

Doup, Edward N., Jefferson, Louisville, Ky.

Evans, Lewis C., Jefferson, Louisville, Ky.

Freeman, J. K., Jr., Muhlenberg, Central City, Ky.

Gausepohl, Chas. F., Kenton, Covington, Ky.

Hall, Jno. F., Floyd, McDowell, Ky.
Harrison, R. M., Lewis, Tolesboro, Ky.
Howard, Campbell, Green, Greenville, Ky.
Hurst, T. H., Owsley, Island City, Ky.
Hieatt, C. C., Jefferson, Louisville, Ky.
Jacoby, I. N., Henry, N. Pleasureville, Ky.
Johnson, Bessit P., Mason, Maysville, Ky.
Mitchell, Augustus E., Jefferson, Louisville, Ky.
Mercer, Claude, Breckinridge, Hardinsburg, Ky.
Martin, Miss L. L., Rowan, Farmers, Ky.
McClure, H. M., McCreary, Whitley City, Ky.
McCuddy, C. H., Fayette, Lexington, Ky.
Riley, John J., Fayette, Lexington, Ky.
Richardson, Estes F., Breckinridge, Hardinsburg, Ky.
Randle, S. T., McCracken, Paducah, Ky.
Scott, Winnie A., Franklin, Frankfort, Ky.
Summers, Martha, Muhlenberg, Central City, Ky.
Summers, J. A., Buhlenberg, Central City, Ky.
Stenerle, Louis F., Jefferson, Louisville, Ky.
Stephens, E. L., Whitley, Williamsburg, Ky.
Smith, B. E., Fayette, Lexington, Ky.
Thompson, Mary R., Fayette, Lexington, Ky.
Tudor, Nell S., Clark, Winchester, Ky.
Tracy, Mary T., Boyle, Danville, Ky.
Thomas, Simeon, Fayette, Lexington, Ky.
Terrell, Claude B., Trimble, Bedford, Ky.
Totten, Nellie M., Jefferson, Louisville, Ky.
Wason, Chas. G., Kenton, Covington, Ky.
Yelton, W. E., Campbell, California, Ky.
Madigan, Miss Catherine, Clark, Winchester, Ky.

Respectfully,

JAMES B. McCREARY,
Governor of Kentucky.

Mr. Glenn moved that the Senate do now advise and consent to said nominations.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 297. An Act to repeal Section 1379, of Kentucky Statutes of 1909, relating to the working of prisoners on public works and roads and to substitute therefor.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Whereas, a large majority of the voters of the Commonwealth have expressed themselves favorable to the proposition of working prisoners on the roads of the Commonwealth, and whereas several counties have successfully employed prisoners serving jail sentences at hard labor upon the roads, to the advantage of the counties from a financial standpoint and to the advantage of the prisoners from a standpoint of health and sanitation, and whereas the Section of the Statute relating to this subject is not specific enough as to the manner in which prisoners may be placed upon public works, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all of Section 1379 of Kentucky Statutes be stricken out and the following substituted therefor, so that said Section as re-enacted shall read:

Section 1379. (1) In all cases in which a court or jury shall provide that the defendant shall work at hard labor until the fine and costs or imprisonment or both are satisfied, the defendant shall be placed in the workhouse, if there be one in the county, or at work upon some public work or

road of the county or he may be placed upon the public works of any city or town in the county. The place of working such prisoners shall be determined by the County Judge and it shall be his duty to enter an order on the Order Book of the County Court, specifying the manner in which such prisoner shall be worked and he shall give preference to work on the roads of the county, whenever the weather will permit.

(2) Where prisoners are by order of the County Judge committed to the workhouse, they shall be fed and lodged according to the provisions of Section 4868 of Kentucky Statutes. When prisoners are placed upon the public works of any city or town in the county, said city or town shall provide and pay for the food and lodging and the cost of guarding such prisoners. When prisoners are placed upon the county roads, or shall do work of any character connected with the building or maintaining of the public roads of the county, the cost of the feeding, lodging, and guarding of such prisoners while actually engaged in labor on the public roads shall be paid out of the road funds of the county; while not so engaged, the expense of guarding, lodging and feeding said prisoners shall be paid out of the county funds usually drawn on for prison purposes.

(3) In order that prisoners may be safely and comfortably kept and housed at night near the places they may be engaged in work, the County Court is authorized to rent suitable buildings, or prisoners may be kept in camps, or otherwise.

(4) The County Judge shall have power to appoint a manager for each crew of prisoners who shall also act as a guard, and the County Judge may also appoint such additional guards as may be necessary, provided that no crew shall consist of less than three prisoners and not more than one man shall be paid to guard and manage less than ten prisoners. The managers and guards appointed under this Section shall give bond in a sum to be fixed by the County

Judge, for the faithful performance of their duties; they shall take an oath to faithfully perform the duties of manager or guard as the case may be. They shall serve during the pleasure of the County Judge and may be removed for neglect of duty or inefficiency.

They shall be peace officers with power to make arrests. They shall be paid for their services not less than ten cents nor more than twenty-five cents per hour while on duty, the amount to be paid to be fixed in the order of appointment.

The manager of each crew shall see that the prisoners are comfortably fed and lodged, and have proper attention, medical and otherwise when sick, and see that they work and otherwise demean themselves according to prescribed regulations. The manager shall receive and safely keep all prisoners committed to his custody. He shall report to the County Court in regard to such matters as the court may direct, and he and the guards shall in all respects obey such orders as the court may make respecting their duties.

(5) The County Court shall have power to prescribe, by an order of record, regulations for the government of prisoners and those in charge of them, and shall prescribe the number of hours the prisoners shall work, how they shall be secured while at work and at other times.

(6) Any prisoner who shall escape from any manager, guard, house, portable cage or camp where a prisoner or prisoners are kept, shall be fined not less than \$20.00 nor more than \$100.00 or imprisoned not less than ten nor more than fifty days, either or both, in the discretion of the court or jury.

(7) The jailer shall release from jail and turn over to the manager of a workhouse or work crew any prisoner sentenced to serve a fine and costs or imprisonment or both at hard labor, upon the order of the County Judge, and such order shall release the jailer from any further authority or liability as to such prisoners and shall release the jailer

from any and all responsibility regardless of the court that may have committed the prisoner or prisoners. The workhouse manager or crew manager shall assume responsibility and shall receipt to the jailer for all prisoners turned over to them. Likewise, upon the order of the County Judge prisoners may be transferred from the custody of a workhouse manager or crew manager to the custody of the jailer as the occasion may demand.

(8) Any officer arresting any male person upon a *capias pro fine* or other similar writ, which fine and costs may be worked out at hard labor if same is not satisfied, may deliver his prisoners to a manager of a workhouse or a manager of a work crew and said managers shall receive such prisoners as jailers are authorized to do. All prisoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of \$1.00 per day. Managers shall be required to keep the time of prisoners and release them when their time shall expire, provided that any prisoner who shall pay the fine and costs not worked out shall be released from custody upon order of the court committing said prisoners.

(9) All laws or parts of laws in conflict with this Act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	Seldon R. Glenn	W. B. Moody
T. F. Bagby	J. B. Hiles	H. G. Overstreet
W. J. Bale	D. H. Hildreth	J. F. Porter
W. W. Booles	C. Holman	M. O. Scott
Nim R. Cobern	Hite Huffaker	Robert H. Scott
John H. Durham	Chas. H. Knight	J. T. Tunis
John F. Ford	S. L. Marshall	Mitchell Vincent
W. A. Frost	C. F. Montgomery	J. H. Williams
—24		

Those voting in the negative were—

Walker C. Hall	Sam L. Robertson	G. G. Speer
—3		

Resolved, That the title of said bills be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill, and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost moved that a Committee of two members of the Senate be appointed to notify the House of Representatives that the Senate had disposed of House Bill No. 45 and to request the House of Representatives not to adjourn until the Senate has had opportunity to pass on House Bills not yet passed on.

Said motion was agreed to.

The President thereupon appointed Messrs. Gimmerman and Knight as such Committee.

After a time Mr. Zimmerman, of said Committee, reported that the Committee had performed its duty.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any common carrier earning as much or more than four thousand dollars per year per mile gross, from all sources on its said road, and engaged in the carriage of passengers upon a railroad or railroads, between points in this State, to charge in excess of two and one-half cents per mile for the carriage of an adult passenger. Passengers, however, over five years and under twelve years of age shall be charged one-half of the adult fares; adding sufficient, when necessary to make the fares end in 0 or 5. Provided that the minimum charge in no case shall be less than ten cents, and in determining the charge fractions of less than one-half mile shall be disregarded and all other fractions counted as one mile; and for an odd number of miles, the carrier may charge as for the next highest even number of miles.

Provided, that where any passenger is given an opportunity, for thirty minutes continuously before the departure

of any train, to secure a ticket entitling him to carriage and fails to do so, then such carrier may charge and collect in addition to the regular ticket rates, the fixed sum of ten cents from all cash fare passengers.

And provided further, that any person applying therefor, the said common carrier earning as much or more than four thousand dollars per year per mile gross, from all sources on its road shall issue to such person a mileage book of one thousand miles or multiples thereof, at the price of two cents per mile, which mileage book shall be inter-changeable with all other railroads of the Commonwealth earning a like amount, subject to such regulation as may be prescribed by the Railroad Commission to insure payment to the company honoring such mileage from the company issuing such mileage.

§ 2. That each common carrier in this State which shall engage in the carriage of passengers by railroad between points in this State, shall receive and transport with each passenger tendering the same, the personal baggage of such passenger, not exceeding one hundred and fifty pounds for an adult, and seventy-five (75) pounds for a minor less than twelve (12) years old, and such personal baggage shall be carried without compensation other than the passenger transportation charge. All baggage as defined by this Act in excess of the weights here specified is hereby declared to be excess baggage, and such carriers are required to carry such excess baggage with the passenger, as required by this Act. Provided, further, that such carrier shall be required to carry baggage only on trains equipped with a baggage car.

§ 3. The samples, goods, wares, appliances and catalogues of commercial travelers or their employers, and used by them for the purpose of transacting their business, and carried with them solely for that purpose, when securely packed and locked in substantial trunks or sample cases of convenient shape and weight for handling are hereby de-

clared to be baggage within the meaning of this Act, and such carriers are required to transport the same with the passengers as required by this Act.

§ 4. No such carrier shall charge for the carriage of excess baggage as defined by this Act in excess of one cent (1) for each three (3) miles for each one hundred (100) pounds; Provided, that no charge for such excess shall be less than twenty-five (25) cents when the entire baggage is less than five hundred (500) pounds, or less than fifty (50) cents when the entire baggage is over five hundred pounds, and in determining the rate, fractions of less than one mile shall be disregarded, and fractions of one-half mile or more shall be counted as one (1) mile.

§ 5. Any common carrier violating any provision or requirement of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (25) nor more than one hundred (100) dollars in any court of competent jurisdiction, in any county into or which the line or lines of railroad of the offending company runs.

§ 6. In cases of loss or of damage to such samples, goods, wares, appliances or catalogues of any commercial traveler or his employer, the carrier shall not be liable for any greater proportion of the value thereof or the damages sustained thereto than the excess baggage fare paid by the passengers bears to the current rate of freight on such line for like articles in like packages between the same points.

§ 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 8. This Act shall be in full force and effect from and after its passage.

Mr. Knight proposed the following amendments, viz.:

Amend Section 2, lines 9 and 10, by striking out "and such carriers are required to carry such excess baggage with the passenger."

Said amendment was agreed to.

Mr. Huffaker proposed the following amendments, viz.:

Amend Section 1, lines 2 and 3, by striking out the words: "Four thousand dollars per year per mile gross, from all sources on its said road," and in lieu thereof insert the following: "Two thousand five hundred dollars per year per mile gross, from the operation of passenger trains on any division or branch of its said road."

Said amendment was agreed to.

Mr. Arnett proposed the following amendment, viz.:

Amend by adding at the end of Section 6, the following: "Provided that the provisions of this Act shall not apply to narrow gauge railroads."

Said amendment was agreed to.

Mr. Williams proposed the following amendments, viz.:

Amend House Bill No. 35 by adding to Section 5, at the end thereof, the following: "Provided that nothing in this Act shall apply to any railroad or branch line less than fifty miles (50) in length."

Said amendment was agreed to.

Mr. Williams proposed the following amendment, viz.:

Strike out from Section 4 thereof the following: Beginning with the word "no" in line 1, all that part of said section down to and including the word "towns" in line 3, and substitute therefor the following: Excess baggage to be

charged for a basis of 16 2-3 per centum of the adult passenger fare per hundred pounds.

Said amendment was agreed to.

Mr. Robertson proposed the following amendment, viz.:

Amend House Bill 35 by adding thereto Section 5, at the end thereof, the following: "Provided that nothing in this Act shall apply to any railroad or branch line less than fifty (50) miles in length."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken upon the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	W. A. Frost	S. L. Marshall
T. F. Bagby	Seldon R. Glenn	C. F. Montgomery
W. W. Booles	Walker C. Hall	W. B. Moody
Joe F. Bosworth	Webster Helm	H. G. Overstreet
J. Will Clay	J. B. Hiles	J. F. Porter
Nim R. Cobern	D. H. Hildreth	Sam L. Robertson
John H. Durham	Hite Huffaker	Dr. H. G. Sanders
John F. Ford	Chas. H. Knight	M. O. Scott

Robert H. Scott	Mitchell Vincent	J. R. Zimmerman
J. T. Tunis	W. F. Welch	—29

Those voting in the negative were—

Robert Antle	Hiram M. Brock	G. G. Speer
W. J. Bale	C. Holman	J. H. Williams
		—6

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing that it had refused to concur in the Senate amendments to a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporation or companies operating or controlling railroads within the boundaries of this State in part or in whole.

Mr. Hiles moved that the Senate recede from all amendment to said bill.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hiles and Glenn, were as follows, viz.:

Those voting in the affirmative were—

W. A. Frost	S. L. Marshall	J. T. Tunis
Seldon R. Glenn	C. F. Montgomery	Mitchell Vincent
Webster Helm	M. O. Scott	J. R. Zimmerman
J. B. Hiles	G. G. Speer	—11

Those voting in the negative were—

Charles Arnett	J. Will Clay	H. G. Overstreet
T. F. Bagby	Nim R. Cobern	J. F. Porter
W. J. Bale	John H. Durham	Sam L. Robertson
W. W. Booles	John F. Ford	W. F. Welch
Joe F. Bosworth	C. Holman	J. H. Williams
Hiram M. Brock	Hite Huffaker	—17

The President appointed the following committee of conference on said H. B. No. 35 to confer with a like committee from the House of Representatives: Messrs. Booles and Brock.

After a time said committee reported that it was unable to reach an agreement with a like committee from the House of Representatives.

Said committee was then discharged.

Mr. Brock moved to reconsider the order discharging said committee of conference.

Said motion was agreed to.

Mr. Brock moved that the President appoint a new committee of conference on H. B. 35 to confer with a like committee from the House of Representatives.

Said motion was agreed to.

The President thereupon appointed Messrs. Brock and Glenn to compose said committee.

After a time the Committee of Conference on H. B. 35, reported as follows, viz.:

We, the Conference Committee on H. B. 35, report that the Senate should acquiesce in amendments 1, 2, 3 and 6. Amend line 10, Section 2, by striking out the word "with" and substituting the word "for."

Signed: Brock, Glenn, Committee.

And the question being taken on the adoption of said report it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Montgomery and Glenn, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	W. B. Moody
Charles Arnett	Walker C. Hall	Sam L. Robertson
Joe F. Bosworth	Webster Helm	Robert H. Scott
Hiram M. Brock	J. B. Hiles	G. G. Speer
J. Will Clay	D. H. Hildreth	J. T. Tunis
Nim R. Cobern	Chas. H. Knight	Mitchell Vincent
John F. Ford	S. L. Marshall	W. F. Welch
W. A. Frost	C. F. Montgomery	J. R. Zimmerman
		—24

Those voting in the negative were—

W. W. Booles	Hite Huffaker	J. H. Williams
C. Holman	T. J. Moore	—5

The question was then taken upon the passage of said bill as amended and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	Sam L. Robertson
Charles Arnett	Walker C. Hall	Dr. H. G. Sanders
T. F. Bagby	Webster Helm	Robert H. Scott
Joe F. Bosworth	J. B. Hiles	G. G. Speer
Hiram M. Brock	D. H. Hildreth	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
Nim R. Cobern	S. L. Marshall	W. F. Welch
John F. Ford	C. F. Montgomery	J. R. Zimmerman
W. A. Frost	W. B. Moody	—26

There voted in the negative—

J. H. Williams —1

A message was received from the House of Representatives, announcing that it had concurred in the Senate amendments to a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

Mr. Hall, of the Special Investigating Committee, made the following report, viz.:

Your Committee appointed to investigate State Departments and Institutions receiving State aid beg leave to report as follows as to the Reformatory at Frankfort and the Penitentiary at Eddyville, viz.:

We have carefully examined these two institutions and have found them in splendid condition. The discipline is humane and in every way to be highly commended. The cells are cleanly and sanitary. The tasks required of the prisoners

are so reasonable that many prisoners are able to perform them by the middle of the afternoon. The factories are well kept, well lighted and well ventilated. Upon the whole these institutions we find are most admirably managed and controlled.

Respectfully,

WALKER C. HALL, Chairman.

W. W. BOOLES,

CHARLES H. KNIGHT,

G. G. SPEER,

H. G. OVERSTREET.

Mr. Arnett moved that said report be received and filed.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a resolution, which originated in the House of Representatives, of the following title, viz.:

H. Res. 28. By the General Assembly urging the members of Congress from Kentucky to use their influence toward having National Government accept property of Lincoln Farm Association.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, Abraham Lincoln, one of the greatest statesmen that this country has ever produced, one of the most scholarly and intellectual giants that ever graced the Presidential Chair, was a native Kentuckian;

Whereas, his honesty, purity of life, perseverance, nobleness of character are perhaps more often made mention

of in speech and in writings than any man in public life that this country has ever known, which has a highly beneficial influence upon the people of the United States, and therefore, no greater inspiration could be furnished to the youth of the present and future generations, as to the possibilities of the future for those who endeavor to emulate his ideals than to visit the birthplace of the "Great Emancipator;"

Whereas, the Lincoln Fair Association, composed of patriotic American citizens, has seen fit to raise funds, by popular subscription, with which to erect a suitable memorial on his birthplace, in Larue County, Kentucky, to further perpetuate his memory;

Whereas, the government of the United States would, no doubt, liberally provide for the maintenance and improvement of the Lincoln Farm to a far greater extent than would be possible through any other source;

Whereas, the Honorable Ben Johnson, of the Fourth Congressional District of Kentucky, has seen proper to ask the Congress of the United States to accept this farm and memorial which the Lincoln Farm Association wishes to tender to your government; therefore,

Be it resolved by the House of Representatives, the Senate concurring therein:

That we approve of the action taken by the Honorable Ben Johnson in calling the attention of Congress to this matter, and we urge him, and through him all of the Senators and Representatives from Kentucky in Congress, to interest themselves to the fullest extent possible in inducing the Federal Government of the United States to accept from the Lincoln Farm Association this property, which will become a public shrine to which thousands will journey annually to view and gather added inspiration.

Be it further resolved, That a copy of these resolutions be spread upon the Journal and also each member of Congress from the State of Kentucky be furnished with a copy of same.

The question being taken upon the adoption of said resolution it was decided in the affirmative.

Mr. Frost, of the Committee on Rules, called from the orders of the day a resolution, which originated in the House of Representatives, of the following title, viz.:

H. Res. 30. Resolution appropriating \$131.83 to be paid the State Journal Company for printing 5,000 copies of Tax Commission reports.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, the State Journal Company printed 5,000 copies of the preliminary report of the Kentucky State Tax Commission, and, whereas, under the resolution of 1912, creating said Commission, it was held by the Governor of this Commonwealth that said reports could not be printed at the expense of the State, and, whereas, the members of said Tax Commission became personally liable for the amount due, to-wit, \$131.83, for having said report printed; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of \$131.83 is hereby appropriated and allowed the State Journal Company for printing 5,000 copies of said report.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said State Journal Company for said amount.

§ 3. This money having long since been due, an emergency is hereby declared to exist and this resolution shall take effect from and after its adoption.

The question being taken upon the adoption of said resolution it was decided in the affirmative.

The yeas and nays required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Charles Arnett	W. A. Frost	Sam L. Robertson
Robert Antle	Seldon R. Glenn	M. O. Scott
W. J. Bale	Walker C. Hall	Robert H. Scott
W. W. Booles	D. H. Hildreth	G. G. Speer
Joe F. Bosworth	Hite Huffaker	J. T. Tunis
Hiram M. Brock	Chas. H. Knight	Mitchell Vincent
J. Will Clay	S. L. Marshall	W. F. Welch
Nim R. Cobern	W. B. Moody	J. H. Williams
John H. Durham	T. J. Moore	
John F. Ford	H. G. Overstreet	—28

A message was received from the House of Representatives, announcing that it had passed bills and resolutions, which originated in the Senate, of the following titles, viz.:

S. B. 345. An Act to amend Section 656, Chapter 32, Article 4, Subdivision 2 of Kentucky Statutes, relating to life insurance.

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

S. Res. 29. Resolution to pay ministers for their services in opening the Senate and House of Representatives with prayer.

S. Res. 12. Resolution to pay Mrs. Onie C. Biggerstaff the per diem allowance of her deceased husband.

With amendments to said resolution.

(For said resolution see Journal of February 10, 1914.)

The amendments proposed by the House of Representatives read as follows, viz.:

Amend line 2, Section 1 of joint resolution No. 12, by striking out the words "Seven Hundred" and insert in lieu thereof the words "Three Hundred and Fifty Dollars."

Mr. Frost moved that the Senate do now concur in said amendments.

Said motion was agreed to.

The question was then taken upon the adoption of said resolution as amended and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	H. G. Overstreet
Charles Arnett	Walker C. Hall	Dr. H. G. Sanders
T. F. Bagby	Webster Helm	M. O. Scott
W. J. Bale	J. B. Hiles	Robert H. Scott
Hiram M. Brock	D. H. Hildreth	G. G. Speer
J. Will Clay	C. Holman	J. T. Tunis
Nim R. Cobern	Hite Huffaker	W. F. Welch
John H. Durham	S. L. Marshall	J. R. Zimmerman
John F. Ford	C. F. Montgomery	
W. A. Frost	W. B. Moody	

—28

A message was received from the House of Representatives, announcing that it had passed a bill, which had origi-

nated in the Senate, with amendments thereto, by way of a substitute therefor, of the following title, viz.:

S. B. 17. An Act defining the method of payment for appropriations for all charitable, penal, educational, eleemosynary and other institutions, boards and organizations now or hereafter receiving the benefit of appropriations made by the General Assembly of the Commonwealth of Kentucky.

The amendment proposed by the House of Representatives reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all annual appropriations from the State Treasury be paid monthly upon itemized statements, salary lists and accounts filed by the proper officials of departments, institutions, and offices with the Auditor of Public Accounts, showing to whom and for what service, material or other things such amounts are to be paid, and if these are found to be authorized by law the Auditor shall issue his warrant to the proper official of each of such department, institutions or offices, and it shall be the duty of such officials, and the Auditor shall require of them, to file voucher checks and receipts, corresponding in number and amounts with such itemized monthly statements, salary lists and accounts with the Auditor at the end of each year. Any department, institution or office may draw a sum equal to one-tenth of its monthly appropriation each month as a contingent expense fund, to be accounted for the succeeding month as herein provided.

§ 2. That because of the increased work in the office of the Auditor necessary to carry out the provisions of this Act, the sum of fifteen hundred dollars is hereby appropriated annually to employ an additional clerk, to be paid in the same way that other clerks in his office are paid.

§ 3. Because of the importance of this Act, and of the saving it will cause to the State Treasury, an emergency is hereby declared to exist and it shall take effect and be in force, from and after its passage, and approval by the Governor, and all acts and parts of acts in conflict herewith are hereby repealed.

Mr. Speer moved that the Senate do now concur in said amendment.

Said motion was agreed to.

The Senate then took up said bill, as amended, for consideration.

(For said bill see Journal of January 29, 1914.)

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Webster Helm	M. O. Scott
W. W. Booles	J. B. Hiles	Robert H. Scott
J. Will Clay	D. H. Hildreth	G. G. Speer
Nim R. Cobern	C. Holman	J. T. Tunis
John H. Durham	Hite Huffaker	Mitchell Vincent
John F. Ford	S. L. Marshall	W. F. Welch
W. A. Frost	W. B. Moody	J. H. Williams
Seldon R. Glenn	H. G. Overstreet	J. R. Zimmerman
Walker C. Hall	Sam L. Robertson	—26

Those voting in the negative were—

T. F. Bagby

Charles Arnett

—2

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Motor Vehicles Defined.—Whenever the term motor vehicle shall be used in this act it shall include automobiles, locomobiles, motoreycles, and all other vehicles propelled otherwise than by muscular power, except common bicycles, traction engines, road rollers, electric and steam railways.

§ 2. Registration by Owners of Motor Vehicles, Certificates of Registration.—Every owner of a motor vehicle shall immediately upon the acquirement thereof, except as otherwise provided in this Act, file in the office of the Secretary of State an application properly sworn to, setting forth his name and address, with a brief description of the motor vehicle to be registered, including the name of the maker, the factory number, style of vehicle and motor power, on an application to be

prepared and furnished by the Commissioner of Motor Vehicles for that purpose, and shall pay the said Commissioner of Motor Vehicles a registration fee of six dollars on each motor vehicle of twenty-five horse power; eleven dollars on each motor vehicle of twenty-five horse power and over up to fifty-horse power and twenty dollars on each motor vehicle of fifty-horse power and over. Provided, that if the motor vehicle be a motorcycle the fee paid for registration thereof shall be five (\$5.00) dollars. All such registration and re-registration fees shall hereafter fall due on the first day of January of each year and be for one year from such date. In the event any person becomes the owner of a motor vehicle after said date of any year, then he is to be charged such a proportion of such fee as the date of purchase bears to the last named date for the first year, and thereafter register and pay his registration fee on the date above set forth. Said registration shall be made on the date the application is received and filed by the Secretary of State.

Upon filing in the office of the Secretary of State of said application as hereinbefore provided, the Secretary of State, or his duly authorized agent, shall, without further fee, assign and furnish to the owner of such motor vehicle as described in such application, two distinctive number plates to be paid for, together with the transportation of same to the owner, out of the funds arising from the registration fees, and shall issue to the owner of such motor vehicles as is described in the application filed, a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner and brief description of such motor vehicle, stating the name of the manufacturer and the motor power.

Duplicate certificates of registration will be issued upon payment of a fee of fifty cents. The Secretary of State shall cause the name of such owner, with his address, **registration**

number and the date of filing of application and description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owner's name in a book to be kept for that purpose in the office of the Secretary of State; provided, that this action shall not apply to manufacturers of, or dealers in, motors in this State, except as to vehicles kept by such manufacturers or dealers for private use or public hire.

All licenses issued by the Secretary of State on motor vehicles after passage of this act or before January 1, 1915, shall be made to expire on January 1, 1915, and the fee for such license shall be proportionate to the time that the unexpired part of the year 1914 bears to the whole year, and in making the calculation the time shall be calculated from the first of the month succeeding the date the license shall fall due.

If any licenses have been issued before this law becomes operative, which do not expire until after the first of January, 1915, the next license issued on such machine shall expire on January 1st, 1916, and the fee collected from such license shall be apportioned in the manner above provided for during the year 1914.

Nothing in this section shall apply to automobiles owned by and operated in the service of the State of Kentucky, or any county or municipality therein, but such automobiles shall have attached both front and rear, as provided in this act, a tag selected by the proper official of said State, county or municipality sufficient to identify the ownership of said vehicles.

§ 3. Numbers to be Displayed Upon Motor Vehicles.—The owner of each motor vehicle shall have a number corresponding with the number of the certificate of registration issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and rear of every such motor vehicle owned by him, to be not more than four feet or less than 18 inches from the ground, and to be kept

free from grease and dirt and readable at all times whenever the same shall be driven or used upon the public highways, streets, roads, turnpikes, parks, parkways or drives in this State. Such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be a width of not less than one-half an inch, and also a part of such number the letter "KY" not less than one inch in height, and the year of registration across the right hand end of said plate in convenient size.

The Secretary of State shall have the authority to change the colors of the license plates from year to year provided the number and background shall be distinctly contrasting colors.

On motorcycles there shall be two plates of suitable metal, one on the front of the frame and on the rear mud guard exposed so the numbers are at all times visible, and each bearing the numbers assigned of such size as is proper and practicable, with the letters "KY" and the year of registration thereon. Said owner shall not be required to place any other mark of identity upon said motor vehicle.

§ 4. Lamps—Every motor vehicle shall carry during the period from sunset to one hour before sunrise, at least two lighted lamps showing white lights visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction attached to the rear of such motor vehicle, except in case of a motorcycle, then the owner thereof shall have lighted at least one lamp, showing a white light visible for at least two hundred feet in the direction in which it is going, upon the front thereof, and at least one red light upon the rear thereof. One of said lights shall be so located so as to at all times illuminate the rear number on said motor vehicle so that the number thereon may be read at any time from sunset to one hour before sunrise. It is further required that all lights visible in the direction toward which a motor vehicle is proceeding shall be white, and all lights visible in the reverse direction shall be red.

§ 5. Registration of Manufacturers and Dealers.—Each manufacturer of and dealer in motor vehicles doing business in this State, shall register one vehicle in each class manufactured or dealt in by him, and if a number corresponding to the registration number issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it is issued as provided in this section, while such vehicle is being operated by such manufacturer or dealer, or his agent or representative, on a public highway, it shall be deemed sufficient compliance with Sections 2, 3 and 4 of this act until such vehicle shall be sold or let for hire, provided that all electrically driven motors shall constitute a class, those propelled by steam power and those propelled by gasoline, explosive type engines, a class, and that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or for hire. No motor vehicle shall be used or operated upon the public highways of this State after this act shall take effect unless the owner shall have complied in all respects with Sections 2, 3, 4 and 5 of this act.

§ 6. Registration of Subsequent Purchaser—Return of License Fee.—The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer, shall as soon as possible, and not later than five days after such sale, join, in a written statement to the Secretary of State, showing the date of sale and previous registration number and thereupon said registration shall be cancelled as to the vendor, and a State warrant drawn upon the road fund payable to said vendor for the unearned portion of said registration fee. For failure to make said joint statement to the Secretary of State within the time prescribed, the vendor and the purchaser, if found guilty, shall each be fined in the sum of \$5.00.

§ 7. Non-resident Owners Not Required to Register.—The foregoing provisions of this act shall not apply to any

motor vehicle owned by a non-resident of this State, provided the owner thereof has complied with the laws of his state, county, city or district, requiring the registration of motor vehicles or owners thereof, and that there is displayed upon such vehicle, the State, county, city or district and the number of registration, and that he shall have lights upon such vehicle as is provided by Section 4 of this act. And provided further that the State, county, city or district of his residence does not require registration of non-resident owners.

All resident owners of motor vehicles in this State shall be required to take out a license as provided in this act, and a license from any other state shall be no protection to any resident owner operating a motor vehicle in this State.

§ 8. Brakes, Horns, Etc.—Every motor vehicle while in use on a public highway shall be provided with good and sufficient brakes and also with a suitable bell, horn or other signal devise capable of making an abrupt sound sufficiently loud to be heard under all ordinary conditions of traffic.

No part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant on any public highway in this State. It shall be unlawful for any persons to cause the blast of any signal to be given unnecessarily while such vehicle is standing or being operated upon a public highway. If any person shall violate any provision of this section, he shall be fined not less than \$5.00 nor more than \$50.00 for each offense.

§ 9. Speed Regulations.—No person shall drive a motor vehicle or motor bicycle upon any public highway in this State at a speed greater than is reasonable and proper, having regard to the traffic and use of the highway or so to endanger the life or limb or injure the property of any person.

If the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passes through the closely built up business portions of any incorporated city, town or village, exceed ten miles an hour, or if the rate of speed of any motor vehicle or motor

bicycle operated upon the public highway in this State where the same passes through the residence portion of any incorporated city, town or village, exceeds fifteen (15) miles an hour, or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway of this State outside of the closely built up business portions and the residence portions of any incorporated city, town, village, exceeds twenty (20) miles an hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way, or so as to endanger the life or injure the property of any person. If the rate of speed of a motor vehicle or motor bicycle operated on a public highway in this State in going around the corner, curve or crossing in a highway, where the operator's view of the road traffic is obstructed, exceed eight (8) miles an hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable, having due regard to the traffic and use of the way, or so as to endanger the life or injure the property of any person.

Nothing in this section shall apply to automobiles owned and operated by the fire and police departments of any municipalities in this State.

§ 10. Duty on Passing Horses.—Whenever it shall appear that any horse ridden or driven by any person upon any of said roads, or streets or highways is about to become frightened by approach of any such motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed.

§ 11. Duty Concerning Street Cars.—It shall be the duty of any person operating a motor vehicle when any street car is actually taking on or discharging passengers at the

crossings or intersections of any public streets or highways, or stopping stations, to stop such motor vehicles until such passengers have been taken on or discharged from such cars.

If any person is found guilty of violating the provisions of this section, he shall be fined not less than \$10.00 nor more than \$50.00.

§ 12. No Other Regulations Required Except.—No owner of a motor vehicle shall be required to display upon his motor vehicle any other number than the number of the registration issued by the Secretary of State.

Nothing herein shall be construed to conflict with the authority of any incorporated city, town or municipality, to pass such traffic ordinances and regulations regarding the operation and speed of motor vehicles as do not conflict with this act.

§ 13. Shall Not Prejudice Right of Action.—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from negligent use of motor vehicles or motor bicycles on the public highways of this State.

§ 14. Fees to Go Into Road Fund.—All fees collected by the Secretary of State under this act shall be covered by him into the State Treasury on the last day of each month for the benefit of the State Road Fund, and to be applied and set apart as an addition to the fund. The Commissioner of Motor Vehicles hereinafter provided for shall execute bond to the Commonwealth of Kentucky for the faithful discharge of his duty in the penal sum of \$10,000.00; said bond shall be renewed annually. Said bond shall be deposited with the State Treasurer.

§ 15. Duty of Operator to Give Warning.—Upon approaching a person walking in the roadway of a public highway, or a horse or other draft animals, being ridden or driven thereon, a person operating a motor vehicle, shall give

warning of its approach by signalling with a horn, bell or other device not calculated to frighten, such animal, and use every reasonable precaution to insure the safety of such person or animal, and in the case of horses or other draft animals, to prevent frightening same and at once reduce the speed at which such vehicle is operated and hold same under control and bring same to stop if necessary for the safety of such person or animal having due regard for the safety of passengers in such motor vehicle. When any person driving a motor vehicle reaches any point on a public street or highway where he cannot see the road on which he is driving in front of him for a distance of three hundred feet he shall give warning of the approach of his machine by signalling with a horn, bell or other device.

§ 16. Operator When to Stop to Avoid Accidents.—A person operating a motor vehicle shall at request or on signal by putting up the hand, from a person riding or driving a restive horse or horses or other draft animals, bring such motor vehicle immediately to a stop if necessary, having due regard for the safety of persons, vehicles and animals, and if traveling in the opposite direction remain stationary so long as may be reasonable to allow such horse or animals to pass and if traveling in the same direction use reasonable caution in thereafter passing such horse or animal. Provided that in case such horse or animal appears badly frightened or he is requested to do so, the person operating such motor vehicle shall, if apparently safe, cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of persons, vehicles or animals.

§ 17. Duty in Passing Others.—Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any vehicle or motor vehicle, the person so operating such motor vehicle and such other person shall

each reasonably turn to the right of the center of such highways so as to pass each other interference. Any such person so operating such motor vehicle shall on overtaking any draft animal or vehicle or motor vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal, vehicle or motor vehicle, shall as soon as practicable, turn to the right so as to allow free passage on the left.

Said motor vehicle shall be reduced to a speed not to exceed 15 miles per hour while passing such horse, draft animal and other vehicle until such vehicle is safely passed, and if the driver of the motor vehicle meets another motor vehicle, such other motor vehicle shall also reduce its speed to not exceeding 15 miles per hour.

Any such person operating a motor vehicle, shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the left of such intersection when turning to the left.

§ 18. Board of Examiners.—There is hereby created a Board of Examiners, whose duty it shall be to hold examinations and issue licenses to chauffeurs and demonstrators of motor vehicles. Said board shall be composed of three members, two of whom are to be competent motor vehicle operators. One member of said board shall be appointed by the Governor, one by the Attorney General and the third member shall be the Commissioner of Motor Vehicles hereinafter provided for. All of said members shall hold office until the expiration of the administrative term and thereupon the members of said board shall be appointed for a term of four years. Said Commissioner of Motor Vehicles shall be the Secretary and Treasurer of said board and shall keep in his office at Frankfort, Kentucky, a book showing the number, name and address of all persons licensed by said board. One of said board shall act as its chairman and all licenses issued by said board shall be signed by the chairman thereof.

Said board shall cause to be printed blank applications for applications for examination and license, and all such applications shall be made upon these forms furnished to the applicant free of charge and filed with said Commissioner of Motor Vehicles. These applications when received by said Commissioner of Motor Vehicles, shall be preserved as public records as long as the Board of Examiners deem necessary. Said board shall hold an examination for applicants in Louisville, Kentucky, on the first Monday in December in each year; at Lexington on the first Monday in February in each year, at Maysville on the first Monday in April of each year, at Bowling Green on the first Monday in July of each year, and at Paducah on the first Monday in September in each year.

Each member of said board shall be paid the sum of \$5.00 per day for each day actually engaged in holding such examinations and traveling expenses, except said Commissioner of Motor Vehicles, and he shall be paid his traveling expenses only when holding examinations away from Frankfort, Ky. Such expenses, together with all other expenses connected with such board shall be paid as hereinafter provided.

§ 19. Applications for Examinations and Licenses.—Every person desiring to be employed as a chauffeur shall first file his application for a license with said Commissioner of Motor Vehicles, stating his age, color, residence and length of time he has been operating a motor vehicle and be sworn to same. Together therewith there shall be filed a certificate of character as to honesty and sobriety signed by three reputable citizens of the county of his residence. Together with said application and certificate said applicant shall send the sum of \$2.00 to the Secretary of said Board, which shall be the charge of such examination and license.

§ 20. Issual of Licenses.—If after an examination by said board, the applicant is sufficiently qualified, and not less

than 18 years of age, said board shall issue to him a license to operate motor vehicles in this State for a period of one year. At the expiration of each year said license shall be renewed by said board without further examination and the applicant shall pay a fee of \$1.00 for said renewal to the Treasurer of said board, but no renewal shall be for a longer period than one year.

The provisions of this act referring to chauffeurs shall apply to persons demonstrating motor vehicles other than owners or members of firms owning said motor vehicles.

§ 21. Badges for Chauffeurs and Demonstrators.—Said Board of Examiners shall adopt a badge to be worn by each chauffeur and demonstrator licensed by it, when operating an automobile. The number of the license assigned to each chauffeur and demonstrator shall be upon said badge, together with the word “Ky.” Said badge shall be furnished to such licensed chauffeur and demonstrator free of charge, and paid for out of the license fee. If any licensed chauffeur or demonstrator shall operate an automobile without having such badge upon his person and exposed and exhibited to full view at all times, he shall be fined in the sum of \$5.00 and his license shall be cancelled. In the event such badge is lost or stolen, a duplicate shall be furnished to the former owner for the sum of fifty cents, by the board upon application under oath that said badge has been lost or stolen.

§ 22. Fictitious Badges.—If any person shall wear a chauffeur’s or demonstrator’s badge not assigned to such person by said board, or when not licensed by said board, or after such person’s license has been cancelled for cause, or has expired, such person so violating these provisions shall be fined in the sum of \$10.00 and shall not thereafter be licensed by said board, and any such chauffeur’s license in existence at such time shall be cancelled.

§ 23. Forfeiture of License.—If any person holding a license of said board shall be convicted on the charge of

drunkenness while operating a motor vehicle or operating such vehicle while intoxicated, such license shall be forfeited and cancelled, and such person shall not be again licensed by said board.

§ 24. Employment of Chauffeurs and Demonstrators.—It shall be unlawful for any person to employ a chauffeur or demonstrator to operate a motor vehicle, until such chauffeur or demonstrator has secured a license from said Board of Examiners. If any person shall employ an unlicensed chauffeur or demonstrator such employer shall be fined in the sum of \$25.00 for such offense.

However, said Commissioner of Motor Vehicles may issue to any person applying according to the provision set out, a temporary license and mark it such, which shall expire on the date of the first examination for chauffeurs and demonstrators to be thereafter held, but if the examination held for chauffeurs is not next held in the city nearest the residence of the applicant his temporary license shall remain in force until the **examination next held in the city** nearest his residence, at which time he must take such examination or his temporary license shall be cancelled.

§ 25. Chauffeurs and Demonstrators—Operating Motor Vehicles Without License.—It shall be unlawful for any chauffeur or demonstrator to operate a motor vehicle, except he be the owner thereof, without first obtaining a license so to do, and any person violating this section shall be fined in the sum of \$10.00 for each offense. Each operation of such vehicle shall constitute a separate offense.

§ 26. Non-resident Chauffeurs.—The provisions of this act as to obtaining license and taking examinations shall not apply to chauffeurs employed by non-resident persons where the State in which they reside requires chauffeurs to take such examinations and pay a fee for such license, unless such chauffeur resides in this State.

§ 27. Disposition of Funds.—All funds arising from li-

cense fees shall be paid over to the State Treasurer by the Secretary and Treasurer of said Board, for the benefit of the State Road Fund, and out of this fund shall be paid the expenses of said board as is hereby provided, in the manner designated by law for payment of claims against the State.

§ 28. Settlements.—Said board shall at the end of each fiscal year, make a settlement of its accounts showing the receipts and expenditures. Said settlement shall be made and filed with the State Auditor of Public Accounts.

§ 29. Intoxication.—If any person shall operate any motor vehicle while intoxicated he shall be guilty of a misdemeanor and upon conviction be fined in the sum of not less than \$15.00 nor more than \$50.00, and if he be the owner his registration license shall be cancelled.

§ 30. Infant Operators of Motor Vehicles.—It shall be unlawful for any person to operate a motor vehicle who is less than 16 years of age unless such person be accompanied by his father, mother or guardian, or some person over the age of twenty-one years who accompanies such person with the consent of the father, mother or guardian. Any person violating this section shall be arrested, and if found guilty, fined in the sum of not less than \$15.00 nor more than \$25.00.

§ 31. Fictitious Numbers.—Anyone using a fictitious number or a number after the registration for same has expired, shall be deemed guilty of a misdemeanor and upon conviction fined not less than \$10.00 nor more than \$100.00.

§ 32. False Statement in Application for Registration.—If any person shall make any false statement in his application for registration to the Secretary of State, such person shall be deemed guilty of the offense of false swearing and punished therefor as now prescribed by law, and may either be prosecuted in the Franklin Circuit Court or the Circuit Court of his residence.

§ 33. Punishment for Violations.—Any person violating the provisions of the act where the penalty is not otherwise

provided, shall be fined in any sum not less than \$10.00 and not more than \$50.00, or imprisoned in the county jail not less than 5 days nor more than 30 days, or both so fined and imprisoned in the discretion of the court or jury.

§ 34. The Secretary of State shall issue said license and shall retain fifteen cents on each license so issued in payment for his service.

§ 35. Taking Motor Vehicle Without Consent of Owner.—Any person who shall unlawfully take, drive or operate a motor vehicle without the knowledge and consent of the owner shall be guilty of the offense of grand larceny, and upon conviction shall be punished by confinement in the penitentiary for a period of not less than two or more than five years.

§ 36. Owner to Discharge Chauffeur or Demonstrator.—When Report.—If a chauffeur or demonstrator shall operate a motor vehicle while intoxicated it shall be the duty of the owner thereof to immediately discharge him from his employ and report such discharge and intoxication to said Board of Examiners. If said report be true upon investigation said Board shall cancel the offenders license as heretofore provided. If such owner fail to make such discharge and the report thereof, his registration license shall be cancelled and forfeited.

§ 37. Duty of Trial Court—Report.—All trials held when any owner, chauffeur or demonstrator is charged with operating a motor vehicle while intoxicated, if said persons be convicted, the presiding judge at such trial shall immediately thereafter forward to said Board of Examiners a copy of such judgment over the official signature of such judge or the clerk of such court, and in the event of an owner, said board shall report same to the Secretary of State.

§ 38. Repealing All Laws or Parts of Laws in Conflict.—All acts or parts of act in conflict with this act are hereby repealed to the extent of such conflict and especially

Chapter 81 of the Acts of 1910, and Section 2739G of the Kentucky Statutes are hereby repealed.

Mr. Glenn proposed the following amendments, viz.:

Amend Section 34, by striking out the whole Section of 34 and inserting in lieu thereof the following, viz.:

§ 34. APPOINTMENT OF COMMISSIONER OF MOTOR VEHICLES.—There is hereby created the office of Commissioner of Motor Vehicles. The Commissioner of Motor Vehicles shall be appointed by the Board of Sinking Fund Commissioners for a term of four years, and the first term shall begin on July 1, 1914. The Commissioner of Motor Vehicles shall have his office with the Secretary of State and his department shall be one of the branches of the Department of the State. The said Commissioner shall have the power to appoint one deputy commissioner and one stenographer, who shall hold office at his pleasure. It shall be the duty of the Commissioner of Motor Vehicles and his deputy to see that the provisions of the law are enforced and to perform all the duties imposed upon the Commissioner by the provisions of this Act. If it is necessary in the performance of the official duties for the Commissioner or his deputy to leave the seat of Government, they shall be allowed their actual necessary expenses while in the performance of all such duties, and all such expenses shall be paid upon an itemized statement duly verified by the person incurring the expense, after the same has been approved by the Attorney General. The total expense for the clerical and executive force necessary for the carrying of this act into effect and for the proper enforcement of this law, shall not exceed the sum of one dollar (\$1.00) for each motor vehicle registered under this act, and the said compensation of the clerical and executive force shall be fixed by the Sinking Fund Commission of the Commonwealth, as soon as this act shall become effective. The

salaries of these officials shall be paid in the same manner of the other State officials, but the amount of the salaries shall be paid out of the fees received by this Department, and no part of the expenses of this Department shall be paid in any other manner except from fees collected under the provisions of this Act.

Amend Section 18, by adding to said section the following: "And at Covington on the first Monday in May in each year."

Said amendments were agreed to.

Mr. Arnett proposed the following amendments, viz.:

Section 3 of House Bill No. 242 be amended by striking out said section and inserting in lieu thereof the following:

Section No. 3. "Numbers to be Displayed Upon Motor Vehicles." The owner of each motor vehicle shall have a number corresponding with the certificate of registration issued by the Secretary of State as hereinbefore provided, conspicuously displayed on the front and rear of each such motor vehicle owned by him. Upon the filing in the office of the Secretary of State of said application as herein provided, the Secretary of State shall upon payment of one (\$1.00) dollar by said applicant assign to such motor vehicle as described in said application, a number as an identification, which shall consist of a sign upon the face of which will appear the distinctive number assigned to such a motor vehicle as herein provided. Such number to be not less than 4 inches in length and each stroke not less than one-half inch in width. Such sign shall also contain the name or abbreviation of the name of the State and the figures of the calendar year, for which the distinctive number is issued. Said number shall be issued in duplicate and one shall be attached to and displayed at the front of motor vehicle and the other will be

displayed at the rear thereof. The rear number shall be arranged and illuminated with light immediately in the rear of said sign so as to illuminate the numbers contained therein. Said sign shall consist of transparent front plate and interlocking numbers so connected and arranged that the numbers composing said sign cannot be taken apart without mutilating the sign. Said illuminating sign shall be displayed at all times after dark and while the motor vehicle is in operation and upon the highways at rest.

Section 31 of House Bill No. 242 be amended by striking out said section and inserting in lieu thereof the following:

Section No. 31. "Fictitious Numbers or Failing to Maintain Illuminated Number Signs." Any one operating a machine without having attached thereto the numbers for identification as provided by the Secretary of State, or failing to provide and maintain the illuminated number sign as provided by Section 3 hereof, or any one using a fictitious number or a number after the registration for same has expired, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

Said amendments were disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Seldon R. Glenn	T. J. Moore
Charles Arnett	Walker C. Hall	Sam L. Robertson
Joe F. Bosworth	Webster Helm	Dr. H. G. Sanders
Hiram M. Brock	D. H. Hildreth	Robert H. Scott
J. Will Clay	C. Holman	J. T. Tunis
Nim R. Cobern	Hite Huffaker	Mitchell Vincent
John F. Ford	S. L. Marshall	W. F. Welch
W. A. Frost	W. B. Moody	J. R. Zimmerman

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 552. An Act appropriating money for the proper care of the State Capitol and Capitol grounds and Governor's Mansion.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The sum of twenty thousand dollars annually is hereby appropriated out of the State Treasury to be paid on the order of the Sinking Fund Commissioners, to such em-

ployes as said Commissioners may employ to keep the State Capitol, grounds, Governor's Mansion and other public property in connection therewith in proper condition, and the Sinking Fund Commissioners shall fix the salaries of all officers or employes that may be employed or selected by it for said purpose and the same shall be paid monthly as other salaries.

§ 2. All laws fixing salaries of any such officers or employes or appropriating money for the purposes stated in this Act, are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were —

Robert Antle	John F. Ford	W. B. Moody
Charles Arnett	W. A. Frost	T. J. Moore
T. F. Bagby	Seldon R. Glenn	Dr. H. G. Sanders
W. J. Bale	Walker C. Hall	Robert H. Scott
W. W. Booles	Webster Helm	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	C. Holman	Mitchell Vincent
J. Will Clay	Hite Huffaker	W. F. Welch
Nim R. Cobern	S. L. Marshall	
John H. Durham	C. F. Montgomery	

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 320. An Act changing the times for the sessions of Circuit Courts of the 14th Judicial District.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 965 of Carroll's Kentucky Statutes, of 1909, as relates to the Fourteenth Judicial District, be and the same is hereby amended by striking out the words, "and April" after the words "on the first Monday in January," and adding after the words, "Franklin County at Frankfort, on the first Mondays in January and April, twenty-four juridical days each," the words, "the first Monday in April thirty juridical days," and striking out the word "eighteen" after the words "and second Monday in September," and substituting therefor the word "thirty-six."

By striking out after words "Woodford County at Versailles, on the fourth Mondays in February," the words "and May," and striking out after the words "twelve juridical days," the word "each," and adding after said words, "twelve juridical days" the words "first Monday in June, twelve juridical days," and by striking out the words "fourth Monday in October," and substituting therefor the words, "third Monday in November," and by striking out the word "eighteen" following the said words "Monday in October," and substituting therefor the word "twelve."

By striking out the words "May and October" following the words "Scott County, at Georgetown, on the first Mon-

day in February," and striking out the word "each" after the words "eighteen juridical days" and adding after said words, "eighteen juridical days," the words "second Monday in May, eighteen juridical days and fourth Monday in October eighteen juridical days."

By striking out after the words "Bourbon County at Paris on the second Monday in March," the words "and June, fourth Monday in November," and after the words "eighteen juridical days," the word "each," and adding after said words "eighteen juridical days" the words, "the third Monday in June, 12 juridical days; and the first Monday after the November term in Woodford County, eighteen juridical days," so that said Section as amended and re-enacted will read as follows:

"Franklin County, at Frankfort, on the first Monday in January, 24 juridical days; the first Monday in April, 30 juridical days, and second Monday in September, thirty-six juridical days."

"Woodford County, at Versailles, on the fourth Monday in February twelve juridical days; first Monday in June, twelve juridical days; third Monday in November, twelve juridical days."

"Scott County, at Georgetown, on the first Monday in February, eighteen juridical days; second Monday in May, eighteen juridical days and fourth Monday in October, eighteen juridical days."

"Bourbon County at Paris, on the second Monday in March, eighteen juridical days; the third Monday in June, twelve juridical days; and the first Monday after the November term in Woodford County, eighteen juridical days."

Mr. Speer proposed the following amendment by way of substitute therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of Section 965, of Carroll's Kentucky Statutes of 1909, as relates to the Fourteenth Circuit Court District be and the same is hereby amended by striking out the whole of the following portion thereof, viz.:

Fourteenth District, Franklin County, at Frankfort, on the first Mondays in January and April, twenty-four juridical days each, and second Monday in September, eighteen juridical days. Woodford County, at Versailles, on the fourth Mondays in February and May, twelve juridical days each, and fourth Monday in October, eighteen juridical days. Scott County, at Georgetown, on the first Mondays in February, May and October, eighteen juridical days each. Bourbon County, at Paris, on the second Mondays in March and June, fourth Monday in November, eighteen juridical days each," and in lieu thereof inserting the following:

Fourteenth District, Franklin County, at Frankfort, on the first Monday in January, twenty-four juridical days; first Monday in April, thirty juridical days; first Monday in September, twenty-four juridical days, and the first Monday after the close of the November term in Bourbon County, eighteen juridical days. Scott County, at Georgetown, on the first Monday in February and October, and the fourth Monday in May, eighteen juridical days each.

Woodford County, at Versailles, on the fourth Mondays in February and October and the second Monday in May, twelve juridical days each.

Bourbon County, at Paris, on the second Mondays in March and November, eighteen juridical days each, and the third Monday in June, twelve juridical days, so that said portion of said section, as amended and re-enacted, will read as follows:

Fourteenth District, Franklin County, at Frankfort, on the first Monday in January, twenty-four juridical days; first Monday in April, Thirty juridical days; first Monday in September, twenty-four juridical days, and the first Monday

after the close of the November term in Bourbon County, eighteen juridical days.

Scott County, at Georgetown, on the first Mondays in February and October, and the fourth Monday in May, eighteen juridical days each.

Woodford County, at Versailles, on the Fourth Mondays in February and October and the second Monday in May, twelve juridical days each.

Bourbon County, at Paris, on the second Mondays in March and November, eighteen juridical days each, and the third Monday in June, twelve juridical days.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John F. Ford	W. B. Moody
Charles Arnett	W. A. Frost	T. J. Moore
T. F. Bagby	Seldon R. Glenn	Sam L. Robertson
W. J. Bale	Walker C. Hall	Robert H. Scott
W. W. Booles	Webster Helm	G. G. Speer
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	C. Holman	Mitchell Vincent
J. Will Clay	Hite Huffaker	W. F. Welch
John H. Durham	S. L. Marshall	J. R. Zimmerman

Resolved, That the title of said bill be as amended.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 524. An Act to provide for the election of alumni trustees for State University, Lexington, Kentucky, and for the appointment of such alumni member of the Executive Committee of the University.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be added to the Board of Trustees of the State University, Lexington, Kentucky, six (6) additional members who shall be graduates of the University and not less than thirty (30) years of age. The said six (6) additional members of the Board of Trustees of the University shall be nominated and elected by ballot by the graduates of the University and by those who have received degrees therefrom in a method as herein and after set forth. Provided that no graduate shall be permitted to vote during the year of graduation. The persons who have received a plurality of the votes cast shall serve as such additional members of the Board of Trustees of the University and shall have all of the rights, powers and privileges that are now conferred by law.

§ 2. The nomination and election of such additional trustees held hereunder shall be held biennially, under rules and regulations prescribed by the Board of Trustees, and all nominating ballots and all election ballots shall be publicly opened on fixed and published days. At least sixty (60) days shall intervene between the mailing and opening of both nomi-

nating and election ballots, and such ballots shall be mailed, by the Secretary of the Board of Trustees, to each person entitled to vote at his address as appears from the books of the University, and except in the year 1914, the date fixed for election shall be the day before the regular commencement exercises at the University, and no ballots shall be counted unless it is actually cast by noon of said date. In case of an equality of votes between two or more candidates, the person who shall hold said office of trustee shall be designated by lot from among the persons receiving such equality of votes. The Governor of the Commonwealth, upon proper certification by the Secretary of the Board of Trustees, shall issue a commission in the name of the Commonwealth to such additional members of said Board of Trustees.

§ 3. On or before December first, in the year 1914, and in a manner as provided in Section 2 of this Act, such six (6) additional members of the Board of Trustees shall be nominated and elected, and the two (2) receiving the highest number of votes shall hold office for six (6) years, the two (2) receiving the next highest number of votes shall hold office for four (4) years, and the two (2) receiving the next highest number of votes shall hold office for two (2) years. Biennially thereafter the alumni of State University shall nominate and elect, by a plurality of votes, as provided in Section 2 of this Act, two (2) members to serve for a period of six (6) years; provided that whenever a vacancy occurs from death, resignation, or other cause, the Board of Trustees shall appoint a graduate, as provided in Section 1 of this Act, until the next regular election, when such vacancy shall be then filled by nomination and election for the unexpired term in the manner as provided in Section 2 of this Act.

§ 4. The Board of Trustees, at its first meeting in the year 1915, shall elect an executive committee which shall consist of seven (7) members, three (3) of whom shall be grad-

uates of the University, any four (4) of whom shall constitute a quorum.

§ 5. In all appointments made hereafter by the Governor of the Commonwealth of Kentucky to the Board of Trustees of the State University, other than those elected by the alumni, one-fifth (1-5) of such number appointed shall be alumni of the said institution.

§ 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

AMENDMENTS TO HOUSE BILL NO. 524.

Amend by striking out the last sentence of Section 1 and inserting in lieu thereof, the following:

“The names of the persons who have received a plurality of the votes cast shall be certified to the Governor by way of recommendation for appointment, who shall appoint the persons so recommended, as such additional members of the Board of Trustees of the University and shall have all of the rights, powers and privileges that are now conferred by law.”

Amend Section 4, so that it will read as follows:

“The Board of Trustees, at its first meeting in the year 1915, shall elect an Executive Committee which shall consist of seven (7) members, three (3) of whom shall be from those graduates of the University appointed from the alumni recommendations, any four (4) of whom shall constitute a quorum.”

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	W. A. Frost	C. F. Montgomery
Charles Arnett	Seldon R. Glenn	W. B. Moody
T. F. Bagby	Walker C. Hall	T. J. Moore
W. J. Bale	Webster Helm	Sam L. Robertson
W. W. Booles	J. B. Hiles	Robert H. Scott
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
Hiram M. Brock	C. Holman	Mitchell Vincent
J. Will Clay	Hite Huffaker	W. F. Welch
John H. Durham	Chas. H. Knight	J. H. Williams
John F. Ford	S. L. Marshall	J. R. Zimmerman

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Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 559. An Act declaring certain public roads a system of public highways and public works of the State of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a system of Public State Highways, which shall consist of roads connecting the County Seat of each County of the Commonwealth with the County Seats of the adjoining Counties by the most direct and prac-

tical route, and the County Seats of the border Counties of the Commonwealth with the State line on the most direct and practical route leading from said County Seats to the County Seats of the adjoining counties in the adjacent States. These roads shall be the first to receive State aid, and after such roads are constructed in any County of the Commonwealth then all other roads to which State aid is furnished thereafter may be deemed public State highways; and all such roads eligible to receive State aid under the provisions of this Act shall be deemed public works of the Commonwealth.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken upon the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	J. B. Hiles	Sam L. Robertson
W. J. Bale	D. H. Hildreth	Robert H. Scott
W. W. Booles	C. Holman	J. T. Tunis
Joe F. Bosworth	Hite Huffaker	Mitchell Vincent
Hiram M. Brock	Chas. H. Knight	W. F. Welch
John H. Durham	S. L. Marshall	J. H. Williams
W. A. Frost	W. B. Moody	J. R. Zimmerman
Walker C. Hall	T. J. Moore	—23

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the

orders of the day, a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 473. An Act to amend and re-enact Section 3096, of the Kentucky Statutes, relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3096 of the Kentucky Statutes be and the same is hereby amended and re-enacted to read as follows:

3096. The general council may, by ordinance, provide for the improvement of the streets, alleys and other public ways and sidewalks (including curbing and guttering) or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original or reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this Act, provided, however, that in cities having a general council consisting of two boards, no ordinance for the original improvement of any public street or sidewalk as contemplated in this Section shall pass both boards of said general council on the same day, but at least two weeks shall elapse between the passage of any such ordinance from one board to the other. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made at the exclusive cost of the owners of real estate abutting on such improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or

abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the city treasurer's office upon the completion of the work and acceptance thereof by the general council, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due, shall have added thereto a penalty of ten per cent of the amount of the tax. There shall be a lien upon such lots or parcels of real estate, for the part of the cost of such improvements so assessed thereon, and the same shall bear interest at the rate of six per cent per annum from the time of the assessment until paid. And any such tax or assessment which is not paid within thirty days after the same becomes due shall, together with interest and penalties, be placed upon the tax duplicate and tax bills with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may in addition to the remedies given in this Act be sold and collection thereof enforced in the manner provided by law for the collection of other municipal taxes. Any assessment for any street improvement as provided in this Section which exceeds one-half of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate, and the general council or city commissioners shall provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway, the railway company is required by law or by its franchise or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a

first lien upon all the property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable at the same time and in the same manner and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect, by written request presented to the general council, or the City Commissioners, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time, and subject to such provisions, as the ordinance therefor may prescribe. The city shall pay the cost of the improvement of intersections with other public ways, including one-half of the width of the street or alley, being improved, opposite other streets or alleys, which run into, but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city. The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes, as provided in this section, showing the name and portion of the street on which the improvement is made, the character of the improvement, and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same and shall be conclusive evidence and notice to all persons of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. The auditor shall carefully keep a separate account

of the fund arising from assessments for each particular improvement and no proceeds arising from assessment for one improvement shall be diverted to the payment of any other improvement whatever.

The proceeds shall, in each case, constitute a separate special fund for the payment of the improvement warrants issued for the particular work for which the assessment is made, or for the security and payment of the improvement bonds, if any are issued, as provided in section 3102 for such improvement. The general council or commissioners may provide by ordinance that monthly estimates be made of the amount of the work done on any such improvement, and may issue to the contractor improvement warrants therefor to the extent of 65 per cent of the estimate, bearing not exceeding 6 per cent per annum interest from date of issue. Such warrants shall be issued by the city treasurer, or the Commissioner of finance upon the order of the general council or city commissioners. They shall be negotiable, and shall constitute a lien on the local taxes levied for such improvement and shall be payable at the office of the city treasurer without notice to the holder thereof upon completion and acceptance of the improvement out of the first collection of such local taxes, or out of the proceeds of the sale of any improvement bonds issued in anticipation thereof. The interest on such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued, and where the general council or city commissioners fail to provide by ordinance that monthly estimates be made of the amount of work done on any such improvement, and fail to issue to the contractor improvement warrants thereof to the extent of 65 per cent of the estimate, and in all cases where they do provide by ordinance that monthly estimates be made of the amount of such work done on said improvement to the extent of 65 per cent of the estimate, the general council or city commissioners after the acceptance of the work

of said improvement, and the confirmation of the engineer's final estimate of the cost thereof, shall issue to the contractor improvement warrants for the full amount of the final estimate or assessment for said improvement, bearing not exceeding 6 per cent per annum from date of issue; such warrants shall be issued by the city treasurer or commissioner of finance upon order of the general council or city commissioners; said warrants shall be negotiable and constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer or commissioner of finance without notice to the holder thereof out of the collection of such local taxes, and interest upon such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued. The general council or commissioners of any city of the second class may provide by general ordinance that such city shall pay part, and if so, what part of the cost of the improvement of streets, alleys and other public ways (excluding sidewalks) of such cities. When such provision is made, it shall be uniform and shall thereafter apply to the improvement of all streets, alleys and public ways in the city (excluding sidewalks), and such general provision shall not thereafter be changed or repealed except at intervals of 10 years or more. Any street, alley or other public way which has been improved or reconstructed with brick, granite, asphalt, concrete, or other improved material or paving, since March 1, 1909, or which may be hereafter improved or reconstructed with brick, granite, asphalt, concrete, or other improved material or paving, entirely at the expense of the abutting property owner, as provided herein, shall thereafter be kept in repair, maintained, reconstructed and improved (if and whenever it may be necessary to reconstruct or improve the same entirely at the expense of the city).

§ 2. Whereas cities of the second class in this Commonwealth are in need of the immediate benefit of this Act in

order that they may make needed streets and other improvements, an emergency is declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	D. H. Hildreth	Sam L. Robertson
W. W. Booles	C. Holman	Robert H. Scott
Joe F. Bosworth	Hite Huffaker	G. G. Speer
Walker C. Hall	Chas. H. Knight	J. T. Tunis
Webster Helm	S. L. Marshall	Mitchell Vincent
J. B. Hiles	C. F. Montgomery	J. R. Zimmerman

—18

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 38. An Act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no city of the third class shall hereafter levy or collect a poll or capitation tax on the citizens thereof for any year in which the county, in which said city may be situated, shall levy or collect a poll or capitation tax on the citizens of said city.

§ 2. All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

Robert Antle	Webster Helm	W. B. Moody
W. W. Booles	J. B. Hiles	T. J. Moore
Joe F. Bosworth	D. H. Hildreth	Sam L. Robertson
John H. Durham	C. Holman	Robert H. Scott
Seldon R. Glenn	Chas. H. Knight	Mitchell Vincent
Walker C. Hall	S. L. Marshall	—17

Those voting in the negative were—

Dr. H. G. Sanders G. G. Speer

—2

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relating to the inspection thereof, providing for penalties for violations of the provisions of this Act.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every building or structure, kept, used as, maintained as, or advertised as, or held out to the public, to be a place where sleeping accommodations are furnished to the public whether with or without meals shall for the purpose of this act be deemed a hotel.

Every building or structure, and all buildings in connection, kept, used, or maintained as, or advertised as, or held out to the public to be a place where meals and lunches are served without sleeping accommodations, shall for the purpose of this act be deemed a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager, or agent, for the purpose of this Act, shall be deemed proprietor of such restaurant, and whenever the word "restaurant" shall occur in this Act, it shall be construed to mean such structure as described in this section.

§ 2. For the purpose of carrying into effect the provisions of this act, the Governor shall appoint a Commercial Traveler having had not less than six years' practical experience immediately preceding his appointment as hotel in-

spector at a salary of twenty-four hundred (\$2,400.00) dollars per year, payable monthly, who shall hold office for two years, and who shall furnish a bond in the sum of six thousand (\$6,000.00) dollars to be approved by the Attorney General. He shall keep such records as are necessary for public use and inspection, showing the conditions of all hotels and restaurants, together with the name or names of owner, proprietor, or manager thereof, and showing their sanitary conditions, the number and condition of fire escapes, and any other information that may be for the betterment of the public service, and likewise shall assist in the enforcement of any orders promulgated by the State Board of Health and Pure Food Department of the State, relating to hotels and restaurants.

§ 3. Within sixty days after the effective date of this act and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, and every person, firm or corporation who shall hereafter engage in conducting such business must procure an inspector's certificate for each hotel or restaurant so conducted, or proposed to be conducted, provided that one certificate shall be sufficient for each combined hotel and restaurant where each are conducted in the same building and under the same management. Each certificate shall expire on the 31st day of December next following its issuance. The hotel inspector shall furnish to any person, firm or corporation desiring to conduct a hotel or restaurant an application blank to be filled out by such person, firm or corporation for a certificate thereof, and which shall require such applicant to state the full name and address of the owner of the building, the lessee and manager of such hotel or restaurant, together with the full description of the building and property to be used or proposed to be used for such business, the location of the same, the name under which such business is to be conducted, and such other information as may be required therein by the hotel inspector, and such application shall be

accompanied by inspection fee for hotels of three (\$3.00) dollars and an additional charge of twenty-five (25) cents each for each additional bed-room in excess of ten and for restaurants three (\$3.00) dollars and an additional charge of twenty-five (25) cents for each five chairs or stools, or spaces where persons are fed in excess of ten, but no fee to exceed ten (\$10.00) dollars, and all such fees shall be turned in to the State Treasury on the first day of January, April, July and October of each year.

Upon the approval of such application by such hotel inspector a certificate to conduct such business as such application is made for, shall be issued by such hotel inspector. No hotel or restaurant shall be maintained and conducted in this State after the taking effect of this act, without having secured a certificate therefor as herein provided, and no certificate shall be transferable. Provided, however, that after the making of applications for a certificate herein provided for and pending the issuance of such certificate, such hotel and restaurant shall be permitted to operate as such until the final refusal of such application by the inspector.

Provided, also that no hotel or restaurant shall be denied relief in the courts in action instituted by such hotel or restaurant by reason of the fact that a certificate has not been issued to such hotel or restaurant.

§ 4. It shall be the duty of such hotel inspector to inspect or cause to be inspected, at least once annually every hotel and restaurant in this State, and for such purpose he shall have the right to enter and have access thereto at any reasonable time, and whenever, upon such inspection it shall be found that such business and property so inspected is not being conducted or is not equipped in the manner required by the provisions of this act, or is being conducted in such manner as to violate any of the laws of this State, it shall thereupon be the duty of the hotel inspector to notify the owner, proprietor or agent in charge of such business, or the owner or agent of the building so occupied, of such

condition so found and such owner, proprietor or agent shall forthwith comply with the provisions of this act unless otherwise herein provided. A reasonable time may be granted by the hotel inspector for compliance with the provisions of this act.

§ 5. Every hotel and restaurant in this State shall be properly plumbed, lighted and ventilated and shall be conducted in every department with strict regard to health, comfort and safety of the guest. Provided, that such proper lighting shall be construed to apply to both daylight and illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to the approved sanitary principles, and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No room shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts or courts, and all sleeping rooms shall have at least one window to the outside of the building or light wells, air shafts or courts, and shall have one door opening on a hallway.

In each sleeping room there must be at least one window with openings so arranged as to provide easy access to the outside of the building, light wells, air shafts or courts.

Provided, that the provisions of paragraphs 1, 2 and 3 of this section shall not apply to any hotel in which the compartments are arranged on the cubical plan, or the dormitory plan, in conformity with the provisions of local ordinances and regulations.

In all cities, towns and villages where a system of waterworks and sewerage is maintained for public use, every hotel and rooming-house shall, within six months after the passage of this Act, be equipped with suitable water closets for the accommodation of its guests, which water closet or closets shall be connected by proper plumbing with such sewerage

system, and the means of flushing such water closets with the water of said system, in such manner as to prevent sewer gas or effluvia from arising therefrom. All lavatories, bath tubs, sinks, drains, closets and urinals in such hotels must be connected and equipped in a similar manner both as to method and time.

In all cities, towns and villages not having a system of waterworks, every hotel shall have properly constructed privies or over vaults which shall be heated during the days of the winter months between the hours of 6 a. m. to 10 p. m., to receive the night soil, the same to be kept clean and well screened at all times, and free from filth of every kind, furnishing separate apartments for sexes, each being properly designated.

Each hotel in this State shall be provided with a main public wash room convenient and of easy access to guests.

§ 6. In all hotels and restaurants two stories high, with ten or more sleeping rooms, where sleeping accommodations are furnished to the public, there shall be provided for each twenty-five hundred feet of area or fractional part thereof an efficient chemical fire extinguisher, conveniently located in a public hallway outside of the sleeping rooms, and always in condition for use, or a one and one-fourth inch inside stand pipe with hose connection and a hose of sufficient length always attached in such hallways, which stand-pipe shall be supplied by a sufficient pressure of water.

§ 7. In all hotels and restaurants more than two stories high, with ten or more sleeping rooms, where sleeping accommodations are furnished to the public, each six thousand feet of area or fractional part thereof shall be provided with a one and three-fourths inch stand-pipe and sufficient one and one-fourth inch hose connected therewith on each floor and constantly furnished with sufficient water pressure from water works or pumps which can be put into instant action, or for each such area there shall be a two and one-half inch metallic stand-pipe with metallic ladder attached above the

first story, located upon the outside of the wall extending above the roof, and so situated as to be accessible from the roof and each story above the first, with valves and male hose connections at every story and on the roof, and female hose connections at base of the pipe of such size and pattern as to allow connection with the equipment of the local fire department. There shall also be provided for each eighty-five hundred feet of such area or fractional part thereof at least one efficient chemical fire extinguisher on each floor containing sleeping apartments. If, for lack of waterworks or steam to operate pumps, the inside stand-pipe is impracticable, then, in addition to the fire extinguisher, there shall be placed in the hallway of each floor containing sleeping apartments one barrel of water and two pails labeled "For Fire Purposes Only." For each twenty-five hundred feet of area or fraction thereof on such floor a red light shall be kept burning all night at the head of each stairway above the first floor, and that near each approach to a stationary fire escape in each sleeping room above the first floor, the following printed notice shall be conspicuously posted: "Exit in Case of Fire. Upon leaving this room turn to the (here insert right or left) and by passing (here insert distance in feet) you will reach a red light, which indicates (here insert fire escapes or stairway)."

§ 8. That within six months after the passage of this Act every hotel and restaurant in this State, occupied and used as such, and which is more than two stories high, shall be equipped with an iron stairway on the outside of the building extending from said cornice of said building to within twelve feet of the ground, and connecting on each floor above the ground with an opening from said floor, which stairway shall have platform landing at each floor not less than six feet in length and three feet in width, and which stairway and landing shall be guarded by an iron railing not less than thirty inches in height and shall be safely fastened and secured. Said stairway shall not be less than two feet

wide, with steps not less than six inch tread, and shall be placed at an angle of not more than forty-five degrees. The way of egress to such fire escapes shall at all times be kept free and clear of any and all obstructions of any and every nature. Fire escapes shall be placed where the hotel inspector may direct. And if there are more than fifteen sleeping rooms on each floor above the third floor, there shall be provided one such described fire escape for fifteen sleeping rooms on each floor. Every hotel less than four stories high shall have hallways placarded to indicate all stairways and exits, and shall keep a five-eighths inch Manilla rope of sufficient length to reach the ground, having knots at least every fifteen inches apart, in each bedroom, such rope to be fastened six feet above the floor, near the window, in a substantial manner, and capable of sustaining at least five hundred pounds in weight.

Provided, however, that nothing in this section shall be construed to prevent the use of any recognized automatic fire escapes in lieu of knotted rope.

Whenever it shall be proposed to erect a building three stories or more in height, intended for use as a hotel in this State, it shall be the duty of the owner, contractor or builder of such hotel to construct same so that one main hall on each floor above the ground floor shall run through to the outside wall of said building, and every building converted into a hotel after the passage of this Act must comply with the provisions thereof.

Provided, however, that the provisions of this Act relating to outside fire escapes and ropes of automatic appliances shall not apply to hotels having or making provisions for interior fire-proof stairways approved as such by the hotel inspector.

All hotels in this State shall hereafter provide each bedroom with at least two clean towels daily for each guest, and shall also provide the main public wash-room with clean individual towels, maintaining same in view and reach and for

the use of guests during the regular meal hours, and where no regular meal hours are maintained, then between the hours of 6:30 a. m. and 9:00 a. m., and 11:30 a. m. and 2:00 p. m., and 6:00 p. m. and 8:00 p. m., so that no two or more guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than ten inches wide and fifteen inches long after being washed. Provided, that this shall not prohibit the use of individual paper towels in such wash-rooms.

All hotels hereafter shall provide each bed, bunk, cot or sleeping place for the use of guests, with pillow slips and under and top sheets; each sheet, on and after the first of January, 1915, shall be made 99 inches long and of sufficient width to completely cover the mattress and springs; provided, that a sheet shall not be used which measures less than 90 inches after it has been laundered. Said sheets and pillow slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts, used in any hotel in this State must be thoroughly aired, disinfected and kept clean. Provided, that no bedding, including mattresses, quilts, blankets, pillows, sheets or comforts, shall be used which are worn out or unfit for further use.

Any room in any hotel or restaurant infected with vermin or bed bugs shall be fumigated, disinfected and renovated at the expense of the proprietor of the said hotel until said vermin or bedbugs are exterminated.

All notices to be served by the hotel inspector provided for in this Act shall be in writing, and shall be either delivered personally, or by registered letter to the owner, agent, lessee or manager of such hotel or restaurant.

Any person, firm or corporation who shall operate a

hotel or restaurant in this State, or who shall let a building used for such business without having first complied with the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail for not more than ninety days.

The county attorney of each county in this State is hereby authorized and required upon complaint, on oath of the hotel inspector or other persons, to prosecute to termination before any court of competent jurisdiction, in the name of the Commonwealth of Kentucky, a proper action or proceeding against any person or persons violating the provisions of this Act.

§ 9. Whenever the owner, manager or person in charge of any hotel or restaurant shall have been convicted as provided in the preceding section, and shall for a period of sixty days after such conviction fail to comply with any of the provisions of this Act, the certificate granted to such person to conduct business may be cancelled by the hotel inspector.

§ 10. The hotel inspector shall appoint one deputy inspector, at a salary of two thousand (\$2,000.00) dollars per year, whose term of office shall be of the same duration as that of the hotel inspector, and also one stenographer, at a salary not to exceed eight hundred (\$800.00) dollars per annum, who shall assist under his direction in performing the duties imposed by this Act.

§ 11. On or before the 15th day of each month, the hotel inspector shall certify to the State Auditor the amount due him and his deputies as compensation and necessary expenses for the preceding month, also the items and amount of all expenses necessarily incurred by him in his duties, including the cost of blanks, stationery, postage and travel, and also the amount due the stenographer as compensation for the preceding month, and such salaries, mileage and expenses being duly audited shall be paid by the State out of

the funds accruing from the inspection fees provided for in this Act. In no event shall the entire expense exceed ten thousand (\$10,000.00) dollars per annum.

The office of the hotel inspector shall be in the State Capitol.

§ 12. Every hotel or restaurant securing a certificate under the provisions of this Act shall keep the same posted in a conspicuous place in the office of such hotel or restaurant.

All prosecutions under this Act shall be conducted by the county attorney of the county in which the offense was committed.

§ 13. All Acts or parts of Acts conflicting with any of the preceding sections of this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John F. Ford	D. H. Hildreth
Charles Arnett	W. A. Frost	Chas. H. Knight
T. F. Bagby	Seldon R. Glenn	W. B. Moody
Joe F. Bosworth	Walker C. Hall	T. J. Moore
J. Will Clay	Webster Helm	Sam L. Robertson
John H. Durham	J. B. Hiles	Dr. H. G. Sanders

Robert H. Scott	Mitchell Vincent	J. H. Williams	
J. T. Tunis	W. F. Welch		—23

Those who voted in the negative were—

W. J. Bale	C. Holman	J. R. Zimmerman	
W. W. Booles	C. F. Montgomery		—5

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 278. An Act authorizing the granting of license to certain graduates of medical schools without a state board examination.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who graduated in medicine, from a reputable medical school, on, or before the 1st day of July, 1908, shall be granted licenses to practice said profession, without passing a State Board examination, provided, that they were residents of this State at the time of graduation and have continuously since said date resided in this State.

§ 2. A fee of ten dollars shall be paid the State Board of Health for said license.

§ 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the negative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	C. Holman	Dr. H. G. Sanders
Hiram M. Brock	C. F. Montgomery	Mitchell Vincent
Walker C. Hall	W. B. Moody	W. F. Welch

—9

Those who voted in the negative were—

W. W. Booles	Seldon R. Glenn	Sam L. Robertson
J. Will Clay	J. B. Hiles	J. T. Tunis
Nim R. Cobern	Hite Huffaker	J. H. Williams
John H. Durham	Chas. H. Knight	J. R. Zimmerman
John F. Ford	S. L. Marshall	
W. A. Frost	T. J. Moore	

—16

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky Institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other states by reciprocity.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State Board of Education of Kentucky shall have power to determine the qualifications of and issue certificates to teachers to teach in the public high schools of Kentucky, through the State Board of Examiners, on such examinations as may be held under such rules and regulations as the State Board of Education may prescribe for said State Board of Examiners, and that the State Superintendent of Public Instruction may validate for extension during a term of years the certificate of any person holding such a high school certificate under the following conditions, to-wit:

§ 1. The validity and extension of the said certificate may be made during good behavior of the holder on condition that after proper investigation the State Board of Education may in their judgment find that the holder of said certificate has attended professional schools and improved himself in the arts and methods of teaching to the satisfaction of said State Board. The State Superintendent shall have power to revoke at any time, for cause, any such certificate.

§ 2. The State Board of Education may, on the application of an institution of higher learning, either within or without the State, that is not conducted for private gain, inspect such educational institution, investigate their work, standards and courses of study, and in its own discretion, grant certificates to the students of such institutions, giving them the right to teach in the high schools of Kentucky. Such certificates shall be issued upon evidence furnished by the applicant of the work and attainments accomplished in said institutions by the applicant. No such certificates shall be

given for any work done in such institutions of a lower amount or standard than that required for similar certificates issued by the State Board of Examiners, or granted to the students of the State University of Kentucky and the State Normal Schools of Kentucky.

§ 3. The State Board of Education shall have power to recognize and validate teachers' certificates of other States which shall not be of a lower standard than the State certificate of Kentucky, and they shall have power to approve or disapprove such certificates of qualification as may be recognized by County Superintendents and County Boards of Education in this State.

§ 4. The State Board of Education shall have power to approve the validation by the County Superintendent and County Board of Education of any county any certificate issued in any other county of a grade not lower than the first class. Any teacher holding such a certificate in one county of this Commonwealth shall have the right to teach in any other county of the Commonwealth on such certificate when such certificate has been validated in said county by the County Superintendent and County Board of Education, subject to the approval of the State Board of Education.

§ 5. The State Board of Education, in their discretion, shall have power to extend for life teachers' certificates of such teachers who have had as many as twenty years of successful experience teaching in the common schools of this State, provided that no such certificate shall be of a lower class than the first class.

All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed,

the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. W. Booles	Webster Helm	Robert H. Scott
Hiram M. Brock	C. Holman	J. T. Tunis
J. Will Clay	Chas. H. Knight	Mitchell Vincent
John H. Durham	S. L. Marshall	W. F. Welch
W. A. Frost	C. F. Montgomery	J. H. Williams
Seldon R. Glenn	W. B. Moody	J. R. Zimmerman
Walker C. Hall	T. J. Moore	—20

Those who voted in the negative were—

Charles Arnett	John F. Ford	Dr. H. G. Sanders
T. F. Bagby	J. B. Hiles	G. G. Speer
W. J. Bale	Hite Huffaker	—8

Resolved, That the title of said bill be as aforesaid

Mr. Frost moved to reconsider the vote by which the Senate had passed said bill and that said motion lie on the table.

Said motion was agreed to.

A message was received from the House of Representatives announcing that it had passed a bill which originated in the Senate of the following title, viz.:

S. B. 11. An Act to provide and regulate the method of compensation for injured and the dependents of killed employes; to create a State Insurance Fund for purposes; and

to provide for the administration of such fund by a State Liability Board of Awards.

Mr. Frost proposed the following resolution, viz.:

Whereas, during the last few weeks of the General Assembly of the Commonwealth of Kentucky the labors of the Chief Clerk and Assistant Clerk of the Senate have been unusually heavy and arduous, and, in order to conduct the business of the Senate expeditiously and satisfactorily, they have necessarily incurred extraordinary expense; therefore,

Be it Resolved, That the sum of two hundred and fifty (\$250.00) dollars is hereby allowed them for extra services rendered and expenses incurred in the proper conduct of their offices, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for said amount in favor of said Chief Clerk and Assistant Clerk as a necessary and contingent expense of the Senate.

Mr. Frost moved the adoption of said resolution.

And the question being taken thereon it was decided in the affirmative.

Mr. Arnett proposed the following resolution, viz.:

Whereas, during the present session of the Senate, the Custodian of the Capitol, Thomas Wiard, has been untiring in his efforts in keeping the Senate Chamber in splendid condition, and doing everything possible for the ease and comfort of the members of the Senate; therefore,

Be it resolved by the Senate, That a vote of thanks is hereby tendered to the Custodian, Mr. Wiard, and his efficient corps of employes, who have earned the merited compliment of "Well done, thou good and faithful servant."

Mr. Arnett moved that said resolution be adopted.

And the question being taken thereon, it was decided in the affirmative.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 280. An Act to amend Chapter 60, Session Acts 1910, entitled, "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State," and to increase the number of members on the Live Stock Sanitary Board, and to enlarge the powers of said board, and to amend Article 2, Chapter 5, of the Kentucky Statutes, relating to disease of domestic animals.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 60, Session Acts of 1910, entitled, "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State," be amended as follows:

§ 1. By striking out Section 8 and inserting in lieu thereof, "Be it further enacted that whenever in the opinion of the State Live Stock Sanitary Board, public safety demands the destruction of any animal or animals, said State Live Stock Sanitary Board shall have power to destroy or have same destroyed, but no animal shall be destroyed by

order of this board unless in the presence of a State or County Live Stock Inspector and in the presence of two freeholders of the county in which the animal is destroyed. Certificates of said destruction shall be made in duplicate, one copy to be filed with the State Live Stock Sanitary Board and one copy with the county judge of the county in which said animal is destroyed. Said certificates shall show the date of such destruction, the name of the owner of such animal, the estimated value of same and the disease or diseases with which the animal was affected."

§ 2. That Section 10 of said Act be stricken out and that there be enacted in lieu thereof the following:

"Be it further enacted that the Governor of this State and the Live Stock Sanitary Board may co-operate with the Government of the United States for carrying out the purposes of this Act, and the said Live Stock Sanitary Board may appoint in writing any inspector or employe of the United States Department of Agriculture or any person or persons, as State inspectors of live stock in enforcing the provisions of this Act, in any county of the State, when in their judgment it may be proper and necessary, who shall have and may exercise the powers of County Live Stock Inspector, and shall be authorized and empowered to enter premises to inspect live stock and to enforce the quarantine of counties, districts, farms and town lots and to control the movement of live stock therefrom; and all such inspectors of live stock and the County Live Stock Inspectors are hereby authorized and empowered to quarantine and enforce such disinfection of animals and premises as may be deemed necessary. But no inspector or employe of the United States Department of Agriculture shall be paid for their services by the State of Kentucky or any county of this State. And the Governor of this State is hereby authorized to receive for any moneys receivable by this State under any Act of Congress, which may at any time be in force upon this subject, and to pay the same into the State Treasury, to be used ac-

cording to an Act of Congress and the provisions of this Act as nearly as possible.”

§ 3. That Section 11 of said Act be stricken out and there be enacted in lieu thereof the following:

Be it further enacted that to carry out the provisions of this Act, there is hereby constituted the State Live Stock Sanitary Board, which shall consist of the Commissioner of Agriculture, Labor and Statistics, ex-officio chairman, the Director of the Kentucky Experiment Station, ex-officio vice chairman, the head of the Division of Animal Husbandry of the Kentucky Experiment Station, ex-officio member, and three members of the State Board of Agriculture to be designated by the State Board of Agriculture, and one member of the State Board of Health to be designated by the State Board of Health. The State Board of Agriculture shall annually designate three members, who shall serve on the State Live Stock Sanitary Board, and the State Board of Health shall annually select one member of said board who shall serve on the State Live Stock Sanitary Board. They shall serve without salary, but shall be paid three (\$3.00) dollars per day and all necessary expenses when actually engaged in the discharge of their duties. There shall also be a county live stock inspector appointed in each county of the State, said appointment to be made by the county judge of each county in the State, and said inspector shall be paid by the Fiscal Court of the county for which he is appointed. The Fiscal Court of each county is to fix the amount paid to its County Live Stock Inspector. Said State Live Stock Sanitary Board shall, within thirty days after this act goes into effect, elect a State Veterinarian for a term of four years and until his successor has been elected and qualified, who shall be a graduate of a reputable veterinary college and who shall receive a salary to be fixed by the board not to exceed the sum of two thousand (\$2,000.00) dollars per annum and his necessary traveling and other expenses when engaged in the performance of his duties, to be paid on the order of said

board, and he shall forfeit his office if he accepts any other compensation for his official services, said State Veterinarian to be subject to removal by the board at any time for cause.

§ 4. Be it further enacted that Section 12 be stricken out and in lieu thereof there be enacted the following:

Be it further enacted that all laws or parts of laws inconsistent with or repugnant to this act in this State are hereby repealed.

§ 5. Bt it further enacted that Article 2, Chapter 5, of the Kentucky Statutes, relating to diseases of domestic animals be and the same is hereby amended by striking out all of said article and inserting in lieu thereof such words and provisions that said article when so amended shall read as follows:

That whenever any contagious or infectious disease in live stock shall exist in this State, it shall be the duty of the State Live Stock Sanitary Board promptly to take steps to suppress and prevent the spread of the same; and said Board in its discretion shall have authority to issue its proclamation that such disease exists in any county or counties, and warn all persons to isolate all animals affected by such disease, or which have been exposed thereto, giving instructions as to the precautions to be taken to prevent the spread of such disease; to order any farms, or parts thereof, put in quarantine, at the owner's expense, and prescribe the regulations therefor; to order the destruction or proper disposal of the carcasses of animals dead or incurable from such diseases, and to prescribe regulations for the cleaning and disinfecting of premises, buildings, stockyards, railway stations and other places or objects which may have been exposed to infection. That the Kentucky Experiment Station shall cooperate with the State Live Stock Sanitary Board, and it shall be the duty of the Veterinarian Department of the Kentucky Experiment Station to make bacteriological and pathological examinations of diseased animals, or portions thereof, and all such material which may be forwarded by said board

or its duly authorized agents. The said State Live Stock Sanitary Board shall co-operate with the Kentucky Experiment Station in the distribution of the hog cholera serum made by the said Experiment Station, and in quarantining and controlling the movement of hogs affected by this disease or exposed to same.

§ 6. That all regulations in regard to disease of domestic animals which are communicable to human beings shall be drawn up by joint action of the Live Stock Sanitary Board and the State Board of Health, and shall be enforced by the first named board and the County Live Stock Inspectors, but upon their failure to perform this duty in any county, such action shall be taken by the State and County Board of Health and health officers in enforcing such regulations as may be necessary to protect the public health.

§ 7. The State Live Stock Sanitary Board shall make an annual report to the Governor of its doings and expenditures under this act.

§ 8. That it shall be unlawful for the owners to permit any animal affected with glanders, Texas fever, hog cholera, hydrophobia, pleuro-pneumonia, or any other contagious or infectious disease, to run at large, or to go upon any public road, under penalty of a fine of ten (\$10.00) dollars for each animal, and he shall also be liable to civil action for any damages that may occur to other owners of live stock by reason of the spread of disease from such violation of law.

§ 9. It shall be unlawful for any person or persons, firm or corporation to use any serum, virus or other material containing the germ of any of the diseases named in Section 8, without said serum, virus or other material has been approved by the Live Stock Sanitary Board, and then only when permission has been obtained from the Live Stock Sanitary Board, or from the State Live Stock Inspector, or from the County Live Stock Inspector, in which said serum, virus or other material shall be used. Anyone violating this law

shall be fined not less than \$10.00 nor more than \$50.00 for each offense.

§ 10. That the appropriation provided in Section 59 of said article shall be available for said board, subject to the same limitations and conditions as imposed in said section upon the State Board of Health.

§ 11. That all acts or parts of acts in conflict with the provisions of this act be and are hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	W. A. Frost	T. J. Moore
Charles Arnett	Seldon R. Glenn	Sam L. Robertson
T. F. Bagby	Webster Helm	Robert H. Scott
Joe F. Bosworth	D. H. Hildreth	J. T. Tunis
J. Will Clay	S. L. Marshall	Mitchell Vincent
John H. Durham	C. F. Montgomery	W. F. Welch
John F. Ford	W. B. Moody	J. R. Zimmerman

—21

There voted in the negative—

Dr. H. G. Sanders

—1

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives announcing that it had concurred in Senate amendments to bills, which originated in the House of Representatives, of the following titles, viz.:

H. B. 242. An Act to regulate, license and govern use of motor vehicles.

H. B. 320. An Act changing the times for the sessions of circuit courts of the Fourteenth Judicial District.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 109. An Act to amend an Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the title of the Act entitled "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the viola-

tion thereof," approved March 22, 1904, be amended by inserting and adding the words "and undertaking" immediately following the word "embalming," and said Act be, and the same is, hereby amended so that said title, as amended and re-enacted, shall read as follows:

"An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health, and to prevent the spread of contagious diseases, to regulate the practice of embalming and undertaking in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof."

§ 1. That Sub-section 1 of Section 4 of said Act, being Sub-section 1 of Subsection 4, of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is hereby amended by inserting and adding the words "and undertaking" immediately after and following the word "embalming," so that said section and sub-section as amended and re-enacted shall read:

"1. To prescribe a standard of efficiency as to the qualifications of those engaged and who may engage in the practice of embalming and undertaking, in connection with the care and disposition of dead human bodies in this State."

§ 2. That Sub-section 2 of Section 4, of said Act, being Sub-section 2 of Sub-section 4 of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is hereby amended by inserting and adding the words "or undertakers" immediately after and following the word "embalmers," so that said section and sub-section as amended and re-enacted shall read:

"2. To meet at least once in each year and oftener as the proper and efficient discharge of its duties may require. The secretary of said board shall mail notices to all undertakers in this State known to him, at least fifteen days before any embalmers' or undertakers' examination is to be held by said board, advising them of the time and place where such examination is to be conducted. All notices required to

be mailed shall be directed to the last known postoffice address of the party to whom the notice is sent."

§ 3. That Sub-section 5, of Section 4, of said Act, being Sub-section 5, of Sub-section 4, of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended by inserting and adding the words "and the practice of undertaking" immediately after and following the word "bodies," so that the said section and sub-section as amended and re-enacted shall read:

"5. To adopt rules, regulations and by-laws from time to time, not inconsistent to the laws of this State or of the United States, whereby the performance of all the duties of said board and the practice of embalming dead human bodies and the practice of undertaking shall be regulated."

§ 4. That Section 7, of said Act, being Sub-section 7, of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words "to practice embalming" immediately after and following the word "act," so that said section as amended and re-enacted shall read:

"7. No person shall be granted a license under this Act to practice embalming who has not attained the age of at least 21 years, and who has not practiced embalming dead human bodies for at least 3 years, or shall have at least 3 years' practical instruction in embalming and disinfecting under a licensed embalmer."

§ 5. That Section 8 of said Act, being Subsection 8, of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended by inserting the words "and from and after July 1st, 1914, with a license fee of ten dollars" immediately after and following the words "five dollars," and that said section be further amended and supplemented by adding thereto the following section immediately after and following said section, viz.:

"8a. Any person who at the time this Act as now amended, supplemented and re-enacted takes effect, shall be

actually engaged in the business or practice of undertaking and who desires to continue in such business or practice shall, on or before July 1, 1914, file with the Board of Embalming a verified, written application for a license to practice or do business as an undertaker, stating therein the fact of his being actually engaged in such practice or business, accompanying the said application with a license fee of \$10.00, and said board shall thereupon issue to said applicant a license, and shall register such applicant as a duly licensed undertaker, without examination, but subject to such rules and regulations as the board may adopt and prescribe consistent with this Act."

"1. Every person desiring to engage in the practice or business of undertaking shall make written application to the State Board of Embalming, accompanying the same with a license fee of \$10.00, containing the name, age and place of business of the applicant, the length of time and place or places where he has been employed as an assistant to an undertaker, name or names of such undertaker, showing that the applicant shall have served as an assistant to an undertaker, or been engaged in the business of an undertaker, for at least two (2) years in the aggregate, that he is of good moral character, 21 years of age or over, accompanied with proof of such facts, by affidavit or otherwise, as may be required by the board, and if the board shall find, upon due examination, that the applicant has a reasonable knowledge of sanitation and disinfection of premises, clothing, bedding and all articles subjected to contagion and infection and a reasonable knowledge of the sanitation and disinfection of bodies of deceased persons where death was caused by an infectious, contagious or communicable disease, and he has all the requirements and qualifications herein stated, and has complied with all the rules and regulations of the board applying to undertakers, the board shall issue to said applicant a license to practice undertaking and thereupon register such applicant as a duly licensed undertaker. Said license shall be

signed by a majority of the board and attested by its seal. All persons receiving a license under the provisions of this section shall have said license registered in the office of the Board of Health of the city, and where there is no board of health, by the clerk of the town or county court or registrar in the jurisdiction in which it is proposed to carry on the business or practice of undertaking, and said license shall be displayed in a conspicuous place in the office of the licensee, but the application and examination herein provided for shall not be required by those actually engaged in the business of undertaking at the time this Act as herein amended becomes effective."

"2. At least one member of every firm and the manager of each place of business conducted by every corporation that desires to engage in the business or practice of undertaking, shall be a licensed undertaker, but no assistant, no member of such a firm and no member of such a corporation shall engage in the care, preparation, disposal, burial of dead human bodies and the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly licensed undertaker in accordance with the provisions of this Act as amended."

"3. That on and after the 1st day of July, 1914, it shall be unlawful for any person not a registered undertaker to engage in the practice or business of an undertaker unless said person is a registered undertaker within the meaning of this Act as amended."

So that said Section 8 as amended, supplemented and re-enacted shall read as follows:

"8. From and after the first day of July, 1904, every person at that time engaged, or desiring to engage, in the practice of embalming dead human bodies within the State of Kentucky, shall make a written application to the State Board of Embalming for a license, accompanying the same with the license fee of five dollars, and from and after July 1st 1914, with a license fee of ten dollars, whereupon the ap-

plicant as aforesaid shall present himself or herself before said board at a time and place to be fixed by said board, and if the Board shall find, upon due examination, that the applicant is of good moral character, possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has a reasonable knowledge of sanitation and the disinfection of bodies of deceased persons and the apartment, clothing and bedding in case of death from infectious or contagious diseases, the board shall issue to said applicant a license to practice said science of embalming and the care of and the disposition of the dead, and shall register such applicant as a duly licensed embalmer. Such licenses shall be signed by a majority of the board and attested by its seal. All persons receiving a license under the provisions of this Act shall have said license registered in the office of the Board of Health of the city, and where there is no Board of Health, with the clerk of the town or county court in the jurisdiction of which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office or place of business of such licentiate.”

“8a. Any person who at the time this Act as now amended, supplemented and re-enacted takes effect, shall be actually engaged in the business or practice of undertaking, and who desires to continue in such business or practice, shall, on or before July 1, 1914, file with the Board of Embalming a verified, written application for a license to practice or do business as an undertaker, stating therein the fact of his being actually engaged in such practice or business, accompanying the said application with a license fee of \$10.00, and said board shall thereupon issue to said applicant a license to practice or do business as an undertaker, and shall register such applicant as a duly licensed undertaker, without examination, but subject to such rules and regulations as the board may adopt and prescribe consistent with this Act.”

“1. Every person desiring to engage in the practice or

business of undertaking shall make written application to the State Board of Embalming, accompanying the same with a license fee of \$10.00, containing the name, age and place of business of the applicant, the length of time and place or places where he has been employed as assistant to an undertaker, name or names of such undertaker, showing that the applicant shall have served as an assistant to an undertaker, or been engaged in the business of an undertaker, for at least two (2) years in the aggregate, that he is of good moral character, 21 years of age or over, accompanied with proof of such facts, by affidavit or otherwise, as may be required by the board, and if the board shall find, upon due examination that the applicant has a reasonable knowledge of the sanitation and disinfection of premises, clothing, bedding and all articles subjected to contagion and infection and a reasonable knowledge of the sanitation and disinfection of bodies of deceased persons where death was caused by an infectious, contagious or communicable disease, and he has all the requirements and qualifications herein stated, and has complied with all the rules and regulations of the board applying to undertakers, the board shall issue to said applicant a license to practice undertaking and thereupon register such applicant as a duly licensed undertaker. Said license shall be signed by a majority of the board and attested by its seal. All persons receiving a license under the provisions of this section shall have said license registered in the office of the Board of Health of the city, and where there is no Board of Health, by the clerk of the town or county court or registrar in the jurisdiction in which it is proposed to carry on the business or practice of undertaking, and said license shall be displayed in a conspicuous place in the office of the licensee, but the application and examination herein provided for shall not be required by those actually engaged in the business of undertaking at the time this Act as herein amended becomes effective."

"2. At least one member of every firm and the man-

ager of each place of business conducted by every corporation, that desires to engage in the business or practice of undertaking, shall be licensed undertaker, but no assistant, no member of such a firm and no member of such a corporation shall engage in the care, preparation, disposal, burial of dead human bodies and the management of funerals, or shall discharge any of the duties of an undertaker, unless he shall be a duly licensed undertaker in accordance with the provisions of this Act as amended."

"3. That on and after the 1st day of July, 1914, it shall be unlawful for any person not a registered undertaker to engage in the practice or business of an undertaker, unless said person is a registered undertaker within the meaning of this Act as amended."

§ 6. That Section 10, of said Act, being Sub-section 10 of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words "and undertaker" immediately after and following the word "embalmer," so that said section as amended and re-enacted shall read:

"10. Every registered embalmer and undertaker who desires to continue the practice of his profession shall annually during the time he shall continue in such practice have such license renewed by making and filing with the secretary of the said board an application thereof within thirty days preceding the expiration of his license upon blanks prescribed by the said board and upon payment of \$2.00 renewal fees."

§ 7. That Section 11 of said Act, being Sub-section 11 of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by inserting and adding the words "by an embalmer or undertaker" immediately after and following the words "or of the violation," and by inserting and adding the words "or the management of funerals" immediately after and following the word "body," so that said section as amended and re-enacted shall read:

“11. The State Board of Embalming may, upon sufficient proof of the violation of any of the provisions of this Act, or of the violation by an embalmer or undertaker of any rule or regulation prescribed by the said board for the preparation, embalming, shipping or burial of any dead human body or the management of funerals, revoke and cancel the license held by any person violating such provision, rule or regulation.”

§ 8. That Section 14 of said Act, being Sub-section 14 of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by striking therefrom the words “nor shall this Act apply to any person engaged simply in the furnishing of burial receptacles for the dead,” and by inserting and adding the words “or undertaking” immediately after and following the word “embalming,” so that said section as amended and re-enacted shall read:

“14. Nothing in this Act shall apply to or in any manner interfere with the duties of any officer of local or State Institution, but shall only apply to such person or persons engaged in the business of embalming or undertaking in connection with the care and disposition of the dead.”

§ 9. That Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended and supplemented, by inserting and adding thereto, as sub-section 15, the following enactment:

“15. Any person holding a certificate of license to practice embalming or to practice undertaking, in full force and duly issued by some other State or provincial Board of Embalming or Undertaking, or other State or provincial authority, provided by law, desiring to engage in the practice of embalming dead human bodies, or to engage in the practice or business of undertaking, within the State of Kentucky, shall make a written application to the State Board of Embalming for a license to practice embalming or undertaking, accompanying the same with a license fee of \$10.00, together with a duly certified certificate from such other State or pro-

vincial board of authority, showing that such applicant is the holder of a duly issued license in full force and effect and that the applicant was duly examined by such State or provincial authority. When such applicant shall have complied with all the rules and regulations of the board, and with the requirements of the law under which the same are formulated, the board may, in its discretion, issue to such applicant a license to practice the science of embalming and the care and disposition of the dead, or to engage in the practice or business of undertaking; provided, however, that the applicant was not a resident of the State of Kentucky at the time he was examined by such State or provincial board of authority."

§ 10. That Section 15 of said Act, being Sub-section 15 of Section 1410, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by changing the said section from Section 15 to Section 16, and inserting and adding the words "or shall engage in the practice or business of an undertaker or attempt to practice or engage in the business of undertaking" immediately after and following the word "dead," so that said section as amended and re-enacted shall read:

"16. Any person who shall embalm or attempt to practice the science of embalming in connection with the care and disposition of the dead, or shall engage in the practice or business of an undertaker, or attempt to practice or engage in the business of undertaking, without having complied with the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof before any court shall be sentenced to pay a fine of not less than \$100.00 for each and every offense.

§ 11. That Section 16 of said Act, being Sub-section 16 of Section 1910, Chapter 40a, Kentucky Statutes, be, and the same is, hereby amended, by changing the said section from Section 16 to Section 17, so that said section as amended and re-enacted shall read: "

“17. All fines collected for the violation of any of the provisions of this Act shall be paid into the Public School Fund of this Commonwealth.”

§ 12. That this Act as amended, supplemented and re-enacted shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	John F. Ford	Robert H. Scott
W. W. Booles	W. A. Frost	G. G. Speer
Joe F. Bosworth	Chas. H. Knight	J. T. Tunis
J. Will Clay	C. F. Montgomery	Mitchell Vincent
Nim R. Cobern	W. B. Moody	J. R. Zimmerman
John H. Durham	Sam L. Robertson	—17

Those who voted in the negative were—

Charles Arnett	Seldon R. Glenn	W. F. Welch
T. F. Bagby	C. Holman	J. H. Williams
		—6

Resolved, That the title of said bill be as aforesaid.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz.:

S. B. 31. An Act to provide a Deputy or Clerk for the Coroner of counties in the Commonwealth having a population of two hundred thousand (200,000) or more.

S. B. 326. An Act to repeal and re-enact Section 3076 of the Kentucky Statutes relating to the power to grant licenses, and to direct the matter of issuing and regulating the same and the fees and charges to be paid therefor in cities of the second class.

S. B. 267. An Act to amend Section 1, of an Act entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class, approved July 1st, 1893,' " approved March 21st, 1906, and being Section 2833 Kentucky Statutes, Carroll's Edition 1909.

S. B. 270. An Act requiring tobacco warehousemen entering loose-leaf tobacco to post on their premises the number of pounds and the average price thereof of each day's sale and prescribing penalties.

S. B. 153. An Act to amend Section 3290 in sub-section 2, of Article 4, Chapter 89, Kentucky Statutes.

S. B. 2. An Act to amend Sections 4464, 4464a, 4480, 4482, Article 10, Kentucky Statutes, Carroll's Edition 1909, and repealing Section 4464b thereof and amending said Article 10 of said statutes relating to schools by adding thereto Section 4500b.

S. B. 213. An Act to authorize the Board of Penitentiary Commissioners to lease and have cultivated a tract of land in the neighborhood of the Kentucky State Reformatory and of the Kentucky Penitentiary at Eddyville for the purpose of producing vegetables and supplies for the use of the inmates of the Kentucky Penitentiary and declaring the

lands so leased public works of the Commonwealth of Kentucky.

S. B. 358. An Act to amend Section 747, sub-division 8, Chapter 32 of the Kentucky Statutes relating to salary of the Insurance Commissioner, deputy and clerks.

S. B. 250. An Act to repeal Chapter 118 of the Acts of 1910, and sub-sections 3, 4 and 5 of Section 20, of Carroll's Kentucky Statutes, 1909 Edition, and to re-enact Section 20 of Chapter 65a of the Kentucky Statutes, 1909 Edition to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenues derived from said Houses of Reform.

S. B. 246. An Act to amend Section 965 of sub-division 1, of Article 2, of Chapter 35 of the Kentucky Statutes, Carroll's Edition 1909, and the amendment to said act which became a law March 14th, 1912, insofar as said section and amendment applies to the holding of the circuit courts in the counties of Lee, Estill, Breathitt and Wolfe in the Twenty-third Judicial District.

S. B. 238. An Act to amend Section 171 of the Constitution of the Commonwealth of Kentucky.

S. B. 54. An Act to amend the Constitution of the Commonwealth of Kentucky by allowing the employment of convict labor upon public roads and bridges.

S. B. 345. An Act to amend Section 656, Chapter 32, Article 4, sub-division 2, of Kentucky Statutes, relating to life insurance.

S. B. 39. An Act defining public roads; providing for

their establishment, use and maintenance; creating the office of County Road Engineer and prescribing the duties thereof.

S. B. 17. An Act defining the method of payment for appropriations for all charitable, penal, educational, eleemosynary and other institutions, boards and other organizations now or hereafter receiving the benefit of appropriations made by the General Assembly of the Commonwealth of Kentucky.

S. B. 11. An Act to provide and regulate the method of compensation for injured and the dependents of killed employes; to create a State Insurance Fund for said purposes; and to provide for the administration of such fund by a State Liability Board of Awards.

S. Res. 12. Resolution to pay Mrs. Onie C. Biggerstaff, the per diem allowance of her deceased husband.

S. Res. 29. Resolution to pay ministers for their services in opening Senate and House of Representatives with prayer.

And found same correctly enrolled.

Said bills and resolutions were then compared by the Clerks in open session of the Senate, and found to be correctly enrolled. Whereupon the President affixed his signature thereto and they were delivered by the Clerk to the House of Representatives for comparison and for the signature of the Speaker of that body.

A message was received from the House of Representatives announcing that it had adopted a resolution, which originated in that body, of the following title, viz.:

H. Res. 40. Resolution authorizing the acceptance of the offer of the Bronze Memorial Company, of Chicago, Illinois, to make Kentucky one hundred engraved bronze portraits of our distinguished dead.

Mr. Frost asked unanimous consent that said resolution be considered.

Said motion was agreed to.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, the Bronze Memorial Company of Chicago, Illinois, has offered to make for Kentucky one hundred engraved portraits of our distinguished dead, the same to be placed in the State Capitol and to be grouped and known as "The Gallery of Honor," and this is to be without any expense whatever to the State of Kentucky; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we hereby accept the offer and extend to Mr. Howard G. Bartling, President of the Bronze Memorial Company, our thanks for the generous gift and hereby authorize and direct the Board of Sinking Fund Commissioners to select the one hundred names whose portraits will be so engraved on bronze, and to provide a suitable place in the Capitol Building to place said bronze portraits and to designate it as "The Gallery of Honor."

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Vincent moved that the rules be suspended and the Senate take up for consideration from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 153. An Act to enjoin and abate houses of lewdness, assignation and prostitution, etc., and to enjoin the person or persons who conduct or maintain the same.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Vincent and Tunis, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	C. F. Montgomery	Mitchell Vincent	
W. J. Bale	J. T. Tunis	W. F. Welch	
Hiram M. Brock			—7

Those who voted in the negative were—

T. F. Bagby	Webster Helm	H. G. Overstreet	
W. W. Booles	J. B. Hiles	J. F. Porter	
J. Will Clay	D. H. Hildreth	Sam L. Robertson	
Nim R. Cobern	C. Holman	M. O. Scott	
John H. Durham	Hite Huffaker	Robert H. Scott	
W. A. Frost	Chas. H. Knight	G. G. Speer	
Seldon R. Glenn	S. L. Marshall		
Walker C. Hall	T. J. Moore		—22

Mr. Robertson moved to reconsider the vote by which the Senate had rejected the suspension of the rules and that said motion lie on the table.

Said motion was agreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day a resolution which originated in the House of Representatives, of the following title, viz.:

H. Res. 32. Resolution for the benefit of Judge John T. Hodge, of Newport, Campbell County, Kentucky.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, pursuant to an Act of the General Assembly of the Commonwealth of Kentucky, Chapter 138, of the Acts of 1912, the Governor, on the second day of April, 1912, appointed and commissioned Judge John T. Hodge, of Newport, Campbell County, Kentucky, as additional judge to preside over the Criminal, Common Law and Equity Division of the Circuit Court for the Seventeenth Circuit Court District of Kentucky; and

Whereas, said appointee immediately qualified and entered upon the discharge of the duties of said office, and continued exercising the same, carrying on the business of said division of said court until, and including the 13th of June, 1912, a period of two months and eleven days; and

Whereas, on said last named date the Court of Appeals decided that the Act creating said office was unconstitutional and void, but that the Acts and doings of said incumbent, as judge aforesaid, were legal, regular and binding, and in its mandate, directed said appointee to make suitable orders, in said division of said court, transferring the business of said division to the original judge of said court, and directed the making of such orders on the jury fund of said county necessary to pay off and to discharge all jurors then in attendance on said division of said court; and

Whereas, said incumbent presided over said division of

said court for said period carrying on its business with efficiency and dispatch, and with great profit to the people of such district, but without pay therefor.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and is hereby authorized to draw his warrant on the Treasurer of the State in favor of Judge John T. Hodge, of Newport, Campbell County, Kentucky, for five hundred and ninety-one dollars and sixty-three cents, being two months and eleven days' salary as Circuit Judge, same being the fair value of the services rendered as aforesaid, and the same is to be paid out of any money not otherwise appropriated.

The constitutional provision as to the third reading of said resolution being dispensed with and the same being engrossed, the question was then taken on the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	J. F. Porter
Charles Arnett	Webster Helm	Sam L. Robertson
T. F. Bagby	J. B. Hiles	Dr. H. G. Sanders
W. J. Bale	D. H. Hildreth	M. O. Scott
W. W. Booles	C. Holman	Robert H. Scott
Hiram M. Brock	Hite Huffaker	G. G. Speer
J. Will Clay	S. L. Marshall	J. T. Tunis
Nim R. Cobern	C. F. Montgomery	Mitchell Vincent
John H. Durham	W. B. Moody	W. F. Welch
John F. Ford	T. J. Moore	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	

Resolved, That the title of said resolution be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a resolution which originated in the House of Representatives, of the following title, viz.:

H. Res. 36. Resolution for furnishing Kentucky Directories.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar per copy, five hundred copies of the book entitled "Kentucky Directory, 1914," for the use of the courts, State and county officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the clerk of the county court of each county of the State, to be kept in his office. The Librarian will furnish to the Librarian of each State and Territory in the Union, a copy of said book in exchange for similar books from the said States and Territories and a copy to the Librarian of Congress.

§ 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

The constitutional provision as to the third reading of said resolution being dispensed with and the same being engrossed,

The question was then taken on the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	J. F. Porter
Charles Arnett	J. B. Hiles	Sam L. Robertson
W. J. Bale	C. Holman	M. O. Scott
W. W. Booles	Hite Huffaker	G. G. Speer
Hiram M. Brock	S. L. Marshall	J. T. Tunis
J. Will Clay	C. F. Montgomery	Mitchell Vincent
Nim R. Cobern	W. B. Moody	W. F. Welch
John F. Ford	T. J. Moore	J. R. Zimmerman
W. A. Frost	H. G. Overstreet	—26

Resolved, That the title of said resolution be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a resolution which originated in the House of Representatives, of the following title, viz.:

H. Res. 38. Resolution appropriating \$125.00 for the repair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, by an act of the General Assembly of the Commonwealth of Kentucky, approved 1898, there was appropriated five thousand (\$5,000.00) dollars for the purpose of purchasing grounds adjacent to the Taylor burial ground, and erect thereon a monument to General Zachary Taylor, twelfth President of the United States; and

Whereas, said ground was purchased and a wall constructed thereabout, and a monument was erected; and,

Whereas, said wall has fallen in disrepair, and is greatly in need of reconstruction; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, the House and Senate concurring, That one hundred and twenty-five (\$125.00) dollars, or as much thereof as may be necessary, be appropriated out of the fund not otherwise expended, for repair of the same, and the Auditor of Public Accounts of the Commonwealth of Kentucky is directed to draw his warrant for the same, and the Governor of the Commonwealth of Kentucky is directed to appoint a trustee to superintend the said reconstruction, without compensation.

The Auditor will draw his warrant upon an itemized expense account furnished him by the trustee so appointed.

The constitutional provision as to the third reading of said resolution being dispensed with and the same being engrossed, the question was then taken on the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle
Charles Arnett
W. J. Bale

W. W. Booles
Hiram M. Brock
Nim R. Cobern

John F. Ford
W. A. Frost
Seldon R. Glenn

Walker C. Hall	W. B. Moody	J. T. Tunis
Webster Helm	T. J. Moore	W. F. Welch
J. B. Hiles	H. G. Overstreet	J. H. Williams
Hite Huffaker	Sam L. Robertson	J. R. Zimmerman
S. L. Marshall	M. O. Scott	
C. F. Montgomery	G. G. Speer	—25

Resolved, That the title of said resolution be as afore-said.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a resolution which originated in the House of Representatives, of the following title, viz.:

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay A. E. Barret the sum of \$253.80 for teaching.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, A. E. Barrett, third class school teacher of Elkhorn City, Pike County, Kentucky, was employed by the Division Board of Education in Division No. 8, Subdistrict No. 80, Pike County, Kentucky, to teach in said district, having a census enrollment of one hundred and fifty pupil children, and said Barrett having taught said school for a term of six months and reported the same to the County Superintendent and Trustees as required by law, said Barrett being an assistant teacher under G. T. Hawkins, who held a first-class certificate, and the people of said district accepting the services of said Barrett for the said term by sending their children to school. W. E. Flanery, then County School Superintendent of Pike County, refused to pay Barrett his salary

as teacher for the reasons that Barrett was a third-class teacher, teaching as assistant in a first-class school. Barrett instituted an action in the Pike Circuit Court, against said Flanery, which was finally determined in the Court of Appeals of Kentucky as set forth in the opinion of the Court of Appeals in Ky. Reports, page 712, which opinion denied Barrett pay for said services as teacher in the sum of \$253.80.

Therefore, Be it resolved by the House of Representatives, the Senate concurring therein, That there is appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$253.80 for the use and benefit of A. E. Barrett, of Praise Postoffice, Pike County, Kentucky, to pay him for said services as assistant teacher in Sub-district No. 80, Division 8, Pike County, Kentucky, and the Auditor is hereby authorized to draw his warrant in favor of said Barrett for said amount, and the Treasurer is hereby authorized to pay said amount.

The constitutional provision as to the third reading of said resolution being dispensed with and the same being engrossed, the question was then taken on the adoption of said resolution and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	J. B. Hiles	Sam L. Robertson
Charles Arnett	D. H. Hildreth	M. O. Scott
W. W. Booles	Hite Huffaker	G. G. Speer
Hiram M. Brock	S. L. Marshall	J. T. Tunis
J. Will Clay	C. F. Montgomery	Mitchell Vincent
Nim R. Cobern	W. B. Moody	W. F. Welch
John F. Ford	T. J. Moore	J. H. Williams
W. A. Frost	H. G. Overstreet	J. R. Zimmerman
Seldon R. Glenn	J. F. Porter	—26

Resolved, That the title of said resolution be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a resolution which originated in the House of Representatives, of the following title, viz.:

H. Res. 35. Resolution to authorize Honorable C. Holloway, late Major in Kentucky Medical Corps, of the Kentucky State Guard, to sue the Commonwealth of Kentucky, in the Franklin Circuit Court, for the balance due him for services rendered to two members of the militia.

The Senate then took up said resolution for consideration.

Said resolution reads as follows, viz.:

Whereas, Dr. Thomas C. Holloway, formerly Major in the Medical Corps of the Kentucky State Guard, did, from September 22d to October 29th, 1910, pursuant to the instructions of Col. J. Embry Allen, Colonel commanding the Second Kentucky Infantry, attend William Bailey and Charles Hall, Privates in said Regiment, who contracted an illness during the State encampment and were necessarily removed to the Hospital at Lexington; and,

Whereas, in the opinion of the Governor of this Commonwealth, to whom said claim was submitted for approval, there was no authority of law permitting the payment to Dr. Holloway, of his fee for services to the private soldiers when not on duty; and,

Whereas, it is just and right that the Commonwealth of Kentucky should have given to its militiamen the necessary medical attention during an illness contracted while in the service of the State at its State encampment; and,

Whereas, it is proper that the physician rendering serv-

ice to said militiamen should be paid for his services; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That Thomas C. Holloway is authorized and permitted to file suit in the Franklin Circuit Court for the balance due him on account of medical attendance and service rendered to William Bailey and Charles Hall, from September 22d to October 29th, 1910, not exceeding the sum of \$87.50, with interest thereon from October 29th, 1910, until paid.

Mr. Frost moved the adoption of said resolution.

And the question being taken thereon it was decided in the affirmative.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives of the following title, viz.:

H. B. 358. An Act to regulate the tax on inheritances and to amend Sections 4281j and 4281m, Kentucky Statutes, Carroll's 1909 Edition.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4281j, Kentucky Statutes, Carroll's 1909 Edition, is hereby amended by adding at the end thereof the following words:

“And twenty per cent penalty. All Kentucky corporations upon the demand of the Supervisor of Revenue Agents, shall furnish said Supervisor a list of all transfers of stock

of non-resident decedents made within the last five years prior to February 1st, 1914, and shall annually thereafter on or before the first day of February, furnish such list for each preceding year to said Supervisor."

So that said section as amended and re-enacted shall read as follows:

"Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this State standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the sheriff or collector of the proper county on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax, and twenty per cent penalty. All Kentucky corporations, upon the demand of the Supervisor of Revenue Agents, shall furnish said Supervisor a list of all transfers of stock of non-resident decedents made within the last five years prior to February 1st, 1914, and shall annually thereafter on or before the first day of February furnish such list for each preceding year to said Supervisor."

§ 2. Section 4281m, Kentucky Statutes, Carroll's 1909 Edition, is hereby amended by striking out the words, "the real property," and inserting in lieu thereof the words, "property of any nature or kind," and by inserting after the words, "a resident of the State," in line 3 of said section, the words, "in which the will of said decedent might be probated," so that said section as amended and re-enacted shall read as follows:

"The county court in the county in which is situated property of any nature or kind of a decedent who was not a resident of the State, or in which the will of said decedent might be probated, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this chapter, and the court first

acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.”

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	J. B. Hiles	J. F. Porter
T. F. Bagby	D. H. Hildreth	Sam L. Robertson
W. J. Bale	C. Holman	Dr. H. G. Sanders
Joe F. Bosworth	Chas. H. Knight	M. O. Scott
Nim R. Cobern	S. L. Marshall	G. G. Speer
John H. Durham	C. F. Montgomery	Mitchell Vincent
John F. Ford	W. B. Moody	W. F. Welch
W. A. Frost	T. J. Moore	J. R. Zimmerman
Seldon R. Glenn	H. G. Overstreet	—26

There voted in the negative—

Walker C. Hall

—1

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives of the following title, viz.:

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the first day of August, 1914, every individual, firm, company or corporation conducting a warehouse business in Kentucky where tobacco is sold at public auction, either prized in hogsheads or sold in the hands loose, shall keep a correct account of the number of pounds of leaf tobacco sold upon the floor of his house daily. On or before the 5th day of each succeeding month the proprietor of the said warehouse shall make a statement under oath of all of the tobacco so sold upon the floor of his warehouse during the past month, and in such report shall designate how the total number of pounds of such tobacco was divided as between the following types or varieties of tobacco: Burley, Green River, One-sucker, dark fired tobacco, and dark tobacco not fired, but not included either in the Green River or One-sucker variety or type, and the price paid for same in dollars and cents, and shall transmit the said statement at once to the Commissioner of Agriculture at Frankfort, Kentucky. The report so made to the Commissioner of Agriculture, on blanks, which shall be furnished by him shall be so arranged and classified as to show the number of pounds of tobacco sold for the producers of tobacco from first hand; the number of pounds sold for dealers or re-handlers, which shall not include tobacco offered for sale but rejected; and the number of pounds resold by proprietor of the warehouse for his own account or for the account of some other warehouse where same has been resold in said other

warehouse, or has been sold previously on some other market.

§ 2. The Commissioner of Agriculture shall cause said statements to be accurately copied into a book to be kept for this purpose and shall keep separate and apart the statements returned to him from each leaf tobacco market in the State, so as to show the number of pounds of tobacco sold by each market for the sale of leaf tobacco; the number of pounds sold by producers, and the number of pounds resold on each market; shall keep said book open to the inspection of the public; and shall cause said reports to be published on or before the tenth of said month in any bulletins issued by the agricultural department and in one or more journals published in the interest of the tobacco industry of the farmers, and having a large circulation in this State.

§ 3. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and each month of delinquency shall be deemed a separate offense.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle
Charles Arnett

T. F. Bagby
Joe F. Bosworth

J. Will Clay
Nim R. Cobern

John F. Ford	Chas. H. Knight	M. O. Scott
W. A. Frost	C. F. Montgomery	G. G. Speer
Seldon R. Glenn	W. B. Moody	J. T. Tunis
Walker C. Hall	T. J. Moore	Mitchell Vincent
J. B. Hiles	H. G. Overstreet	W. F. Welch
D. H. Hildreth	J. F. Porter	J. H. Williams
C. Holman	Sam L. Robertson	J. R. Zimmerman
Hite Huffaker	Dr. H. G. Sanders	—29

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives of the following title, viz.:

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Section 4501 to 4503 inclusive, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers, etc.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4426, Article VI, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools, or who shall permit any one to take an examination who is under the prescribed age prior to the date of examination, shall be guilty of a misdemeanor, and, upon

conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense. If there should be any doubt as to the age of an applicant, the superintendent may require the applicant to take and subscribe to an oath as to his age, before entering the examination.

Any county superintendent, county examiner, printer, officer of state or county, or any other person who shall sell, barter, give or furnish, or procure to be sold, bartered, given or furnished, to any applicant for a certificate, or to any other person, or any person who shall have in his possession unlawfully, or in a way not provided by law, any question or questions prepared or sent out by the Superintendent of Public Instruction or the State Board of Examiners, for the examination of persons applying for such certificate, or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony and shall upon conviction be punished by confinement in the penitentiary not less than one year nor more than two years. Any applicant for a state diploma, state certificate or county certificate who shall either give or receive any assistance in answering any question during any examination for such certificate, shall be guilty of a misdemeanor and upon conviction, shall be punished by expulsion from examination.

§ 2. That Section 4501, Article XI, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and there be and the same is enacted in lieu thereof the following:

There shall be three grades of certificates issued to teachers of common schools; first, a state teacher's diploma; second, state teacher's certificate; and third, a county certificate, which may be first or second class. Before any person shall be qualified to teach in any common school, such person shall obtain one of these three grades of certificates.

The state board of examiners shall carefully prepare three series of questions for white teachers and an equal number for colored teachers, all of the same grade; shall en-

close in an envelope such number of questions of each given series as the county superintendent shall make requisition for, at least twenty days before the examination, with the name of the subject plainly written or printed across the seal thereof; shall enclose the several envelopes in a package, which they shall seal and forward by registered mail to each county superintendent at least one week before the examination, designating on the outside of the package, the month and the date for which the same shall be used. The county superintendent shall carefully preserve the said package of questions under seal until the hour of examination; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates, and the package shall be opened in their presence. Immediately after examining the package of questions, each of the county examiners shall, under his oath as an examiner, upon blanks furnished for that purpose by the Superintendent of Public Instruction, give a separate certificate with signatures, attested by two reliable witnesses, that he had personally inspected said package, and whether he had found the same intact as provided herein, and forward the certificate to the Superintendent of Public Instruction on the same date. Separate certificates shall be made and forwarded for state and county certificate examinations.

There shall be two examinations held in each county of the state annually, for a state certificate on the third Friday and Saturday in June and September. There shall be three examinations held for white teachers in each county of the state on the third Friday and Saturday in May, June and September, of each year and three for colored teachers upon the fourth Friday and Saturday for the same months and no examinations for either state or county certificates shall be held at any other time whatever. No certificates shall be issued upon the dates of the examination nor shall any answers be passed upon in the presence of any of the applicants. The examiners shall exclude from the room, during

the examination all persons other than applicants and see that the applicants are seated at the proper distance from each other and shall see that no assistance is given or obtained by any applicant during the examination, and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The examiners shall allot a reasonable time for the examination on each subject, taking the subjects in the following order: 1, spelling; 2, reading; 3, writing; 4, arithmetic; 5, grammar; 6, English and composition; 7, geography; 8, physiology and hygiene; 9, civil government; 10, United States history and Kentucky history; and shall collect the answers of all applicants when the time allotted has expired, and no additional subjects shall be given until the answers to the previous subject have all been collected. The county superintendent and at least one of the examiners shall be present and shall conduct all examinations and sign all certificates. No certificate shall be granted to any person who indulges in drunkenness profanity, gambling or licentiousness, or who is otherwise unfit to be a teacher.

§ 3. That Section 4502, Article XI, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

State diplomas may be issued by the State Board of Examiners after a personal examination held at the State Capitol on the last Wednesday of July of each year, upon the subjects embraced in the common school course of study and also upon the science and art of teaching, psychology, English literature, algebra, higher arithmetic, geometry, physics and elementary latin. In order to be entitled to a state teacher's diploma, the applicant in addition to attaining on the required examination an average grade of not less than ninety per centum, the lowest grade on any subject being not less than seventy per centum, shall be at least twenty-four years old, shall have taught in the state at least two years, and shall present satisfactory evidence of unexceptionable moral

character. A state diploma shall be good in all schools throughout the state maintained wholly or partly by the state, until revoked by the Superintendent of Public Instruction, or until the holder shall fail for five successive years to be engaged in active school work. It shall qualify the holder for eligibility as candidate for the office of county superintendent of schools, and may for cause, be revoked by any county superintendent, subject to the approval of the State Board of Education, as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction. Said diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars, which shall be paid to the two members, who, with the Superintendent of Public Instruction, compose the State Board of Examiners.

§ 4. That Section 4502a, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be and the same is repealed.

§ 5. That Section 4503, Article 11, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, be repealed and that the following be and the same is enacted in lieu thereof:

A state teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners, after a written examination held in the county of the applicant's residence, or on a personal examination before the State Board of Examiners at the State Capitol, said applicant attaining an average grade of at least ninety per centum, the lowest grade upon any subject being not less than seventy per centum, upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, higher arithmetic and the science and art of teaching. In order to be entitled to a state certificate, the applicant, in addition to passing the required examination, shall be at least twenty-one years old, and shall have had two years' experience in teaching. Examinations for state teachers' certificates shall be held in all

counties of the state on the third Friday and Saturday of June and September each year, and the questions for the examinations shall be forwarded by the State Board of Examiners with the questions for the June and September county examinations, at the same time and in the same package, be preserved and opened at the same time as the questions for county certificates. The applicants for state certificates shall be examined on the same days upon which the applicants for county certificates are examined in June and September, and immediately upon the close of the examination for state certificates, the county superintendent shall collect the papers of each applicant for state certificate, preserve them from all inspection and immediately forward them to the State Board of Examiners, with the recommendation that the certificate should or should not be granted. No applicant shall be examined for a state certificate unless the said applicant is known to the county superintendent to possess an unexceptionable moral character and to possess the age and experience herein required. The county superintendent shall enclose with the answers, a written statement signed and sworn to by at least two members of the County Board of Examiners, that the examination had been held in strict accordance with the law and that the applicant had not either directly or indirectly received any assistance, and that the moral character of the applicant was unexceptionable. If the answers are deemed sufficient, and the recommendation of the county board of examiners is favorable, the State Board of Examiners may issue a certificate, which shall entitle the holder to teach in any school of the State for a period of eight years, unless revoked by the Superintendent of Public Instruction or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction and if the holder shall not have failed for two successive years to be engaged in active school work, a state certifi-

cate may be renewed for another eight years by the State Board of Examiners, without additional fee, provided the County Board of Examiners for the county where the holder at the time resides, recommends the renewal of said certificate, stating that the applicant is of good moral character and that said applicant has not failed for two successive years to be engaged in active school work. In no case shall any state certificate be valid for a period longer than sixteen years. Any county superintendent may, for cause, revoke a state certificate as far as it applies to his county, of which immediate information shall be given to the Superintendent of Public Instruction and be subject to his approval. A state certificate shall be impressed with the seal of the State Board of Examiners and the fee charged the applicant shall be four dollars, besides the registration fee for forwarding the answers, of which one dollar shall be paid to the County Board of Examiners. The proceeds of the fees for examination for state certificates shall be divided between the two professional members of the State Board of Examiners, in proportion to the services rendered by them.

County certificates shall be first class and second class and shall be valid for four years and two years respectively. No county certificate shall be valid in any county other than the one in which it is issued, except that in cases of emergency, a first class certificate issued in one county may be validated in another county by the county board of examiners for a period of one year. No certificate of the second class shall entitle the holder to teach in any school or district reporting seventy-five or more pupil children. A county certificate of the first class shall require an average grade of eighty-five per centum upon all the subjects in the common school course and upon the science and art of teaching, and the lowest grade on any subject shall not be less than sixty-five per centum. A county certificate of the second class shall require an average grade of seventy-five per centum and the lowest grade on any subject shall not be less than

sixty per centum. If, at any time, the holder of a county certificate shall be found incompetent, inefficient, immoral or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and no teacher, whose certificate has been revoked shall be entitled to receive payment for service only up to the time of revocation. No person shall be entitled to receive a county certificate of either class who was not eighteen years of age prior to the date of the examination. Nothing in this Act shall be construed to require any teacher now holding a State Diploma, State Teacher's Certificate or County Certificate to be re-examined until the expiration of said certificate. And it is herein provided that no minimum salary of all teachers in this Commonwealth holding all such certificates as are provided or mentioned in this act shall be fixed, and that this provision shall in effect repeal all laws and provisions pertaining to the minimum salaries of teachers in this State. A person having taught for eight consecutive years in the same county under first class certificates, may have the last one renewed for a period of four years by the County Superintendent, who shall write upon it "renewed," sign officially and give the date of such renewal. When a certificate has been renewed one time, the teacher shall again receive two first class certificates as stated above before it can be renewed a second time.

The State Board of Education of Kentucky is hereby authorized to inspect and validate for Kentucky, State diplomas and State certificates of other states, on the reciprocity plan.

That that portion of Section 6 of an act entitled "An Act for the government and regulation of the schools of the state" which became a law March 24, 1908, as amended by Section 5, Chapter 25 of the Acts of 1912, which relates to the time of employing teachers and the manner of filling vacancies be amended so as to read as follows:

The Division Board in each educational division shall

meet for the consideration of applications and the election of teachers on the first Saturday in June and July in each year, and any vacancy existing for any cause in any sub-district thereafter shall be filled by the County Board of Education upon the recommendation of the trustees of such sub-district.

§ 6. There being now no law under which examinations for teachers can be held, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	T. J. Moore
Charles Arnett	Walker C. Hall	H. G. Overstreet
T. F. Bagby	Webster Helm	J. F. Porter
W. W. Booles	J. B. Hiles	Sam L. Robertson
Joe F. Bosworth	D. H. Hildreth	Dr. H. G. Sanders
Hiram M. Brock	C. Holman	M. O. Scott
J. Will Clay	Hite Huffaker	G. G. Speer
Nim R. Cobern	S. L. Marshall	J. T. Tunis
John F. Ford	C. F. Montgomery	W. F. Welch
W. A. Frost	W. B. Moody	

—29

Those who voted in the negative were—

W. J. Bale	J. H. Williams	J. R. Zimmerman
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—3

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 189. An Act to repeal an act entitled "An Act relating to weights, measures and balances and the appointment of an inspector of weights and measures for counties."

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the above named and entitled Act, being Chapter 90, of the Acts of the General Assembly of the Session of 1910, be and the same is hereby repealed.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required therein in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett
W. W. Booles
Joe F. Bosworth

J. Will Clay
Nim R. Cobern
John F. Ford

W. A. Frost
Webster Helm
C. Holman

Hite Huffaker	H. G. Overstreet	J. T. Tunis
Chas. H. Knight	J. F. Porter	Mitchell Vincent
S. L. Marshall	Sam L. Robertson	W. F. Welch
C. F. Montgomery	Dr. H. G. Sanders	J. H. Williams
W. B. Moody	M. O. Scott	J. R. Zimmerman
—24		

Those who voted in the negative were—

Walker C. Hall	J. B. Hiles	D. H. Hildreth
—3		

Resolved, That the title of said bill be as aforesaid.

Mr. Bale moved that the rules be suspended and the Senate take up for consideration from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 136. An Act to amend Section 4131, Article 8, Chapter 108, of the Kentucky Statutes.

Said motion was disagreed to.

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 77. An Act to amend an Act entitled, “An Act for the government of cities of the fourth class in the Commonwealth of Kentucky,” which was approved March 19th, 1894, and thereafter in due course became a law, and as same has since been amended, all of which act and amendments now appear in Article 5, of Chapter 89, of the Kentucky Statutes, in John D. Carroll’s Edition thereof, in 1909.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," which was approved March 19th, 1894, and thereafter became a law, and the amendments thereto, which Act and which amendments do now appear as Article 5, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909, be amended by adding thereto, at the end thereof the following provisions:

1. Any city of the fourth class under the laws of the Commonwealth of Kentucky may become organized and be governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. All laws applicable to and governing cities of the fourth class and not inconsistent with the provisions of this Act, shall continue to apply to and govern each city that may organize under this Act. And all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this Act shall continue to be in force until altered or repealed in manner provided for in this Act.

§ 3. It shall be the duty of the County Judge in the county in which is located a city proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this Act, upon the application by written petition signed by a number of the legal voters of the said city equal to twenty-five per centum of the votes cast in said city at the last preceding general election, to receive said petition, and at the next regular term thereafter to make an order in his order book directing an election

to be held in said city at the next regular election, and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question of whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this Act. The question to be submitted to the voters shall be:

“Are you in favor of the organization and government of the City of.....under the provisions of an Act to amend an Act entitled ‘An Act for the government of cities of the fourth class in the Commonwealth of Kentucky,’ which was approved March 19th, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said Act and amendments now appear as Article 5, of Chapter 89, of the Kentucky Statutes, in John D. Carroll’s Edition thereof, in 1909, adopted by the General Assembly of Kentucky at the 1914 session thereof.”

It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court, as it appears on the order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand-bills, posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said paper refuses to publish such notice, the printed or written hand-bills provided for shall be sufficient notice. The sheriff, or other such officer, shall have the advertisement and notices herein provided for posted as herein required, within seven days after

he receives the order of the county court. All elections provided for in this Act, except the primary elections, shall be held on the regular election day, by the regular election officers.

If it shall be found that a majority of the legal votes cast at the election hereinabove provided for were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court, and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this Act, and said fact shall be certified as hereinbefore provided, by the said canvassing board of the county to the county clerk, a copy of which shall be certified to the city clerk, and said copy of said certificates shall be spread upon the records of said county, as herein provided, and upon the records of said city, at the next regular meeting of the city council, thereupon said city shall be organized and governed by the provisions of this Act.

§ 4. All the present officers of any city who were elected to the same shall hold their offices until the expiration of the same; and, if the vote was in favor of the proposition above referred to, then the said offices shall be abolished at such expiration ipso facto. At the November election prior to such expiration an election shall be held under the provisions of this Act, and for such offices as shall so expire.

§ 5. At the regular city election in November of the year next following the year in which said election is held, there shall be elected by the qualified registered voters of the city four Commissioners. Said officers shall be elected from the city at large, and only in the following manner:

§ 6. No person shall be elected without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for the regular election there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election.

Each application for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least twenty voters and in the following form:

We, the undersigned, qualified voters of the City of(naming it), and residing each at the place indicated opposite his name signed hereto, do hereby request that the name of..... (naming the applicant) be placed on the ballot as that of an applicant for nomination for the office of..... (naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

NAMES.

NUMBER

STREETS.

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and address of the signers.

No voter shall sign more than one such petition with reference to each office that is to be filled. In the event that a person shall sign more than one petition of applicants for nomination for mayor or police judge, or shall sign the petition of more than four applicants for nomination for Commissioners, then the name of said petitioner shall not be counted as a valid name on any of said petitions.

Immediately upon the expiration of the time for filing

such petitions, the said county clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for Mayor shall be printed the words "Vote for One," and above the names of the applicants for the nomination for Commissioners shall be printed the words "Vote for Four."

The ballots shall contain no party designation, or emblem of any kind, nor any sign indicating any applicants' political belief or party affiliation.

Having caused said ballots to be printed the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for Councilmen. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk upon proper blanks to be furnished by the said clerk within six hours of the closing of the polls. On the day following the said primary election the County Board of Election Commissioners shall canvass said returns so received from all the polling precincts, and shall publish in the official newspaper of the city at least

one, the result thereof. Said canvass by the county board shall be publicly made.

At such primary election the two applicants receiving the highest number of votes for nomination for Mayor shall be thereby nominated; and the two applicants receiving the highest number of votes for nomination for Police Judge shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated.

§ 7. At the regular election next following, the names of the appointees shall be placed in alphabetical order upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful applicants for nomination. And the one nominee receiving the greatest number of votes cast for Mayor, and the nominee receiving the greatest number of votes cast for Police Judge and the four nominees receiving the greatest number of votes cast for Commissioners, shall be elected respectively Mayor, Commissioners and Police Judge.

§ 8. Every fourth year after the regular election herein above provided for, at the corresponding times of the year, a primary election and an election shall be held in the same manner, and for the same offices as above described.

§ 9. Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this act.

§ 10. The Mayor and Police Judge shall be elected for a term of four years beginning on the first Monday in January following their election. The Mayor shall receive an annual salary of one hundred dollars, and the Police Judge an annual salary of four hundred dollars.

§ 11. The first election for Commissioners, if it does not occur at the same time as the election of Mayor and Police Judge, shall be for a term expiring with that of the Mayor and Police Judge, and thereafter the election of Mayor, Police

Judge and Commissioners shall occur at the same time. The Commissioners shall receive an annual salary of fifty dollars.

The Commissioner of each department shall keep a public office at the City Building, at which place he may be found or communicated with during stated hours, to be fixed by him for the convenience of the public, unless special duty shall call him elsewhere.

§ 12. The Mayor and the four Commissioners shall constitute a Board of Commissioners. In this Board of Commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

§ 13. Three members of the Board of Commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure.

Upon each vote the yeas and nays shall be recorded and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon.

The Mayor shall preside at meetings of the board. He shall have no veto power, but each resolution, measure, or ordinance shall be signed by him, or by two commissioners and recorded before it shall take effect.

The Board of Commissioners shall, at the beginning of its term of office elect, by a majority of all its members, one Commissioner to act as Mayor pro-tem; and the Commissioner so chosen shall be invested with all the powers and shall perform all the duties of the Mayor, in the event of his absence from the city, or his inability to attend the duties of his office.

§ 14. Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than one hundred dollars (\$100.00) or granting any franchise or the right to use or occupy the streets, highways,

bridges or public places of the city for any except a merely temporary purpose, shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in cases of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the Board of Commissioners.

§ 15. The Board of Commissioners shall meet at least twice per month for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the Mayor or by two Commissioners. All meetings shall be public.

§ 16. The administrative functions of the city shall be classified under five departments, to-wit:

1. Department of Public Affairs.
2. Department of Public Finance.
3. Department of Public Safety.
4. Department of Public Works.
5. Department of Public Property.

§ 17. The Board of Commissioners shall determine the functions of each department, and shall prescribe the duties of its Commissioner and his employes. It may assign any employe to one or more departments or require any employe to perform duties in two or more departments. It shall make all such rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

§ 18. The Mayor shall be the Commissioner of the Department of Public Affairs; and he shall have a general advisory supervision over the affairs of all the departments.

The Board of Commissioners shall, at its first regular meeting, designate by majority vote one commissioner to have superintendence of the Department of Public Finances;

one other Commissioner to have superintendence of the Department of Public Safety; one other Commissioner to have superintendence of the Department of Public Works; and one other Commissioner to have superintendence of the Department of Public Property.

§ 19. The Board of Commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employes as may be necessary for the proper and efficient conduct of the affairs of the city.

All such employes shall be agents, not officers of the city; and they shall perform such duties, and for such compensation as the Board of Commissioners may by ordinance prescribe. Each employe shall be selected with reference solely to his fitness, and for the good of the public service (without reference to his political faith or party affiliation) and the Board of Commissioners shall adopt such rules and regulations looking to the appointment and discharge of employes as will tend to carry out the spirit of this provision and lead to the establishment of the merit system in public service.

Each of said agents shall give a bond for the faithful discharge of his duty in such amount as the Mayor and Commissioner shall fix, not less than five hundred (\$500.00) dollars.

§ 20. The Board of Commissioners shall at the termination of each month of the fiscal year cause to be printed in the official newspaper an itemized statement of all receipts and expenses of the city, at end of each six months.

At the termination of each fiscal year the Board of Commissioners shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form to be given to each voter who may apply for the same at the proper office.

§ 21. In case of death, resignation or inability of the

mayor, causing a permanent vacancy in said office, the mayor pro tem shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title, however, of mayor pro tem, until such vacancy in the office of Mayor is filled by an election ordered by the Board of Commissioners for that purpose, at which time the mayor pro tem, if his term as Commissioner be then unexpired, shall resume his duties as such Commissioner.

In the event that any Commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in event the mayor pro tem shall be filling the office of mayor as contemplated in section above for such period, the Board of Commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the Commissioner, whose place may thus be temporarily filled until such Commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation.

In the event of a permanent vacancy in the Board of Commissioners caused by the death, resignation, inability of any member thereof, or in the event a permanent vacancy in the office of Mayor shall be filled by the mayor pro tem, and such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall, for the time he served as such, receive the salary of the Commissioner whose place he has been appointed to fill.

A vacancy shall exist when any elective officer fails to qualify within ten days after notice of his election, or dies, or resigns or moves his domicile outside the city, or remains outside the city for a period of six months, or is convicted

of a felony, or is judicially declared insane, or is removed from office in any manner.

§ 22. In case of misconduct, inability, or wilful neglect in the performance of the duties of his office, the Mayor or any Commissioner may be removed from office by a unanimous vote of the other four members of the Board of Commissioners, but no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned on his behalf and required to testify. The finding of fact at any such hearing, and the reasons for any such removal shall be stated in writing and filed as a matter of public record.

§ 23. If during the ten days next following the passage of any such ordinance as cannot within ten days become effective, a petition signed by a number of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for Mayor at the last preceding election for Mayor, stating the residence of each signer and certified as to the signatures and residences by the affidavits of some one or more persons, shall be presented to the Board of Commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the Board of Commissioners. If such ordinance be not then repealed the board shall submit to the voters of the whole city, at either a special or regular election according to law, the following question: "Shall the ordinance (briefly describing it), go into effect?" And if a majority of the votes cast upon the question, be in the negative, the ordinance shall not go into effect, but, if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect, as soon as the result is officially ascertained and declared.

§ 24. If a petition signed by a number of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for Mayor at the last preced-

ing regular election for Mayor, stating the residence of each signer, and verified by the affidavits by some one or more persons, as to the signature and residence, requesting the board of Commissioners to pass an ordinance therein set forth—if such petition presented to the Board of Commissioners, and if the ordinance therein requested to be passed, be one that the board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be:

“Shall the proposed ordinance (briefly describing it) be passed?” If the majority of the votes cast upon said question be in the affirmative, the ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared, and such ordinance shall not be amended or refused, except by the voters at a regular city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

The Board of Commissioners may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election, and if a majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed or amended as the case may be.

§ 25. Whenever a question of passage of a proposed ordinance or of the going into effect, or the repeal, or the amendment of an ordinance, is to be submitted to the voters at an election, the Board of Commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendments, as the case may be, to be printed once in a newspaper of said city, and in such other newspapers as the Board of Commissioners may direct before such election.

§ 26. The expenses of all primary elections under the provisions of this act shall be paid by the city.

§ 27. The Mayor and each Commissioner shall execute a bond to the city upon which an action may be maintained by any person or persons, interested in the keeping of the covenants therein contained in the penal sum of two thousand (\$2,000.00) dollars, conditioned upon the faithful performance of his official duty; such bond to be approved by the County Judge and filed as a matter of public record.

§ 28. Nothing herein shall be construed to apply to the organization, existence or conducting the affairs of the Board of Education.

§ 29. Wherever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of not less than four years, shall desire that the organization and government of such city under the provisions of this act shall terminate and cease, and said citizens shall file with the County Judge of the county in which is located such city, written petition signed by a number of the legal voters of said city equal to thirty-three and one-third per centum of the votes cast in said city at the last preceding general election, it shall be the duty of the County Judge of said county to receive said petition, and at the next regular term thereafter to make an order on his order book, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff or other officer of said county, who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act. The question to be submitted to the voters shall be: "Shall the city of.....
.....(naming the city) abandon its organization and government under the provisions of An Act to

amend An Act entitled 'An Act for the government of cities of the Fourth Class in the Commonwealth of Kentucky' approved March 19th, 1894, and thereafter in due course became a law and as the same has been since amended, all of which said act and amendments now appear as Article 5, Chapter 89 of Kentucky Statutes in John D. Carroll's Edition thereof in 1909, adopted by the General Assembly of Kentucky, at the 1914 Session thereof."

It shall be the duty of the County Clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the County Court as it appears on the order book, within five days after such order is made, and it shall be the duty of said sheriff or other officer to have such order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills posted in conspicuous places in said city for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refuses to publish such notice, the printed or written hand bills provided for shall be sufficient notice.

The sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the county court. It shall be the duty of the canvassing board to certify the result of said election to the County Court, which certificate shall be delivered to the Clerk of the County Court, and a copy thereof delivered to the clerk of the city, and at the next regular term of said court, the County Judge shall cause the same to be spread upon the order book of said court, and the entry of said certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of said proposition so submitted, and said fact shall be certified

as hereinbefore provided by said canvassing board to the County Clerk, the copy of which shall be certified to the city clerk, and said copy of said certificate shall be spread upon the records of said county as herein provided, and upon the records of said city, at the next regular meeting of the city council, thereupon said city shall cease to be governed by the provisions of this act, but hereafter shall be governed by the provisions of Chapter 89 of said statute, independent of the provisions of this act.

Mr. Speer proposed the following amendment:

Amend said bill on page 5, line 9, by striking out the words "one hundred" and inserting in lieu thereof the word "twenty."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Walker C. Hall	Chas. H. Knight
Joe F. Bosworth	J. B. Hiles	S. L. Marshall
Hiram M. Brock	D. H. Hildreth	C. F. Montgomery
J. Will Clay	C. Holman	W. B. Moody
W. A. Frost	Hite Huffaker	Sam L. Robertson

Robert H. Scott	Mitchell Vincent	J. R. Zimmerman
G. G. Speer	W. F. Welch	
J. T. Tunis	J. H. Williams	—22

Those who voted in the negative were—

Charles Arnett	John H. Durham	John F. Ford
		—3

Resolved, That the titla of said bill be as aforesaid.

Mr. Robertson, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 258. An Act repealing Section 4270 of Kentucky Statutes, Carroll's Edition, and amending Section 4224, Kentucky Statutes, Carroll's Edition, and providing for the license of certain classes of temporary or transient merchants doing business in any county in this State, defining the same and the manner of issuing license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Transient Merchants to Obtain License—That hereafter it shall be unlawful for any temporary or transient merchant to engage in, do or transact any business as such within any county without first having obtained a license as hereinafter provided.

§ 2. Must File Application with Judge of the County

Court—Any temporary or transient merchant desiring to engage in, do or transact business in any county in this State shall file an application for license for that purpose with the judge of the County Court in the county in which he desires to do business, which application shall state his name, his proposed place for business, the kind of business proposed to be conducted, and the length of time for which he desires to conduct such business. Such temporary or transient merchant shall pay a license fee of two hundred and fifty dollars. Such temporary or transient merchant shall thereupon file with the Judge of the County Court of such county, a receipt for such payment, together with bond and appointment of agent upon whom legal process may be served, as hereinafter provided, and the Clerk of the County Court, with the approval of the Judge of the County Court of such county, shall thereupon issue to such temporary or transient merchant a license to do business at the place described in the application, and the kind of business to be conducted shall be described in such license. No license shall be good for more than one person, unless such person shall be a member of a co-partnership, nor for more than one place of business, and shall be good for a period of one year from date of its issuance. The Clerk of the County Court in such county where the license is issued shall keep a record of such licenses in a book which shall at all times be open to public inspection.

§ 3. Bond and Appointment of Agent for Service of Legal Process—Before a license shall issue as herein provided, the applicant shall execute and deliver to the Clerk of the County Court a good and sufficient bond in the sum of one thousand dollars, with surety or sureties to be approved by the Judge of the County Court. Said bond shall run to the Clerk of the County Court as obligee and shall be for the protection of all persons, firms or corporations who may have claims against the obligor arising out of such business, and any such person, firm or corporation may sue thereon in his or its own name. At the time of delivering such bond to the

Clerk of the County Court, the obligor shall also deliver to the said clerk a duly executed instrument appointing the clerk of the County Court the agent of the obligor upon whom legal process may be served.

§ 4. Unlawful to Engage in Certain Occupations—It shall be unlawful for any temporary or transient merchant to advertise, represent or hold out any goods, wares, or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale manufacturer or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, unless such temporary or transient merchant shall file with the Clerk of the County Court an affidavit showing all the facts relating to the reason for and character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sale are in fact in accordance with such advertisements and representations; such affidavit shall include a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented, were obtained, and the date of the delivery of said goods to the applicant and the place from which said goods, wares and merchandise were last taken, and all details necessary exactly to locate and fully to itemize all goods, wares and merchandise so to be advertised and represented. If such affidavit shall fail to show that such goods, wares and merchandise of such sale are in accordance with the proposed advertisements or representations or fails to disclose the facts as herein required, or if the Judge of the County Court learns that the said affidavit is untrue in any particular, then such applicant shall be refused a license for such sale. Should a license be issued to such applicant it shall state that such person is authorized and licensed to sell such goods, wares and merchandise and advertise, represent and hold out the same as being sold as such insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor,

administrator, receiver, syndicate, wholesale manufacturer or closing out sale of any such goods, wares or merchandise, or as being damaged by smoke, fire, water or otherwise, or in any similar manner present any other fact, as shown by such affidavit. Such affidavit shall be sworn to by the applicant before a person authorized to administer oaths. If the applicant be a partnership, it shall be sworn to by a member of such partnership, or if the applicant be a corporation it shall be sworn to by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury and shall be punished for such offense as provided by the laws of Kentucky.

§ 5. Construction of the Words "Temporary or Transient Merchant."—The words "temporary or transient merchant" for the purposes of this act shall include all persons, firms and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business, either in one locality or more or by traveling from one or more places in this State, selling goods, wares or merchandise, and who for the purpose of carrying on such business, hire, lease or occupy a building, structure or car, for the exhibition and sale of such goods, wares and merchandise.

§ 6. Presumed to be Temporary or Transient Merchant—Provided, further, that whenever it appears that any such stock of goods, wares and merchandise has been brought into any county in this State by a person, firm or corporation who has not previously conducted a merchandise business therein continuously for a period of at least one year, and it is claimed that such stock is to be closed out at reduced prices, such facts shall be prima facie evidence that the person, firm or corporation so offering such goods for sale is a transient merchant as defined in this act.

§ 7. Concerning New Merchant Who Claims to be Permanent.—If complaint be made to the Judge of the County Court that any person, firm or corporation doing business in any county is a transient merchant, and such person, firm or

corporation shall claim to be a permanent merchant, the Judge of the County Court shall require of such person, firm or corporation, and he or it shall furnish, a bond in the sum of one thousand dollars, with surety or sureties to be approved by the Judge of the County Court. Such bond shall run to the County Clerk as obligee and it shall secure the payment of the license in the event that such person, firm or corporation does not continue in the business which he or it is conducting in such county for a period of one year from the time when such business was started; said bond shall also be for the protection of all persons, firms or corporations having claim or claims against the obligor arising out of said business as provided in Section three hereof. At the time of delivering such bond to the County Clerk the obligor shall also deliver to the County Clerk a duly executed instrument making the County Clerk the agent of the obligor upon whom legal process may be served. Such merchant so complained against shall also furnish to the County Clerk the affidavit required in Section four hereof before advertising or holding out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale manufacturer or closing out sale or as a sale of any goods, wares or merchandise damaged by smoke, fire or otherwise. But after such merchant has been conducting the particular business in which he or it is engaged in such county for a period of one year, such merchant shall be held to be a permanent merchant and the provisions of this act shall no longer be applicable to such merchant.

§ 8. Not to Apply to Commercial Travelers, Etc.—The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law, nor to any person selling farm and garden products.

§ 9. Cities and Incorporated Towns to Regulate.—Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city or incorporated town to regulate or license the carrying on within such municipality the business of a transient merchant as in this act defined, in any case where authority has been or shall hereafter be conferred upon it so to do, but the requirements of this act shall be in addition thereto.

§ 10. Money to Be Paid Into General Revenue Fund of the State.—All license fees collected under this act shall be paid into the treasury of the State of Kentucky.

§ 11. Penalty.—Any person violating the provisions of this act or conducting any business provided against by this act shall be guilty of a misdemeanor, whether he be the owner of the goods, wares and merchandise sold or carried by him, or whether he be an agent, employer or employe, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars for each offense. Each day the one so offending shall carry on such business shall be deemed a separate offense.

§ 12. Who May Proceed—It shall be the duty of any regular agent of the Auditor of the State of Kentucky in each county where such offense may be committed, or any special agent appointed by the Auditor of the State of Kentucky for the purpose, to procure a warrant for the arrest of any one so offending, which warrant shall be issued by any officer authorized to issue warrants in such county, and the party offending shall be arrested and forthwith brought for trial before a justice of the peace or the County Judge of the county in which such offense is committed, and it shall be the duty of the County Attorney of such county to prosecute the accused. In case of default in the payment of the fine assessed, the party convicted shall be immediately remanded to the county jail until such fine is paid, except in no case shall the party convicted be confined in jail for any one offense for a period of more than fifteen days.

§ 13. Persons Who Shall Not Be Granted License—Penalties.—No person shall be granted a license to do business who has engaged in such business, or has sold any article without license within six months next preceding the time application is made, who will not, in addition to the regular license tax, pay a sum equal to twenty per cent thereof nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the County Judge at the time the application is made, whether he or his agent have, within six months next before the time of the application been guilty of engaging in such business, or selling such articles without license therefor, and any person making a false statement on such examination shall be deemed guilty of false swearing.

§ 14. That Section 4217 of the Kentucky Statutes and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 15. This act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Joe F. Bosworth	Seldon R. Glenn	C. Holman
J. Will Clay	Walker C. Hall	Hite Huffaker
Nim R. Cobern	D. H. Hildreth	Chas. H. Knight

S. L. Marshall	J. F. Porter	W. F. Welch
C. F. Montgomery	G. G. Speer	J. R. Zimmerman
W. B. Moody	J. T. Tunis	
T. J. Moore	Mitchell Vincent	—19

Those who voted in the negative were—

Charles Arnett	John F. Ford	—2
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Resolved, That the title of said bill be as aforesaid.

Mr. Frost moved the further consideration of the passage of bills be discontinued.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Glenn and Speer, were as follows, viz.:

Those who voted in the affirmative were—

W. W. Booles	Hite Huffaker	J. T. Tunis
John F. Ford	Chas. H. Knight	—5

Those who voted in the negative were—

Charles Arnett	Seldon R. Glenn	Robert H. Scott
T. F. Bagby	Walker C. Hall	G. G. Speer
Joe F. Bosworth	J. B. Hiles	Mitchell Vincent
Hiram M. Brock	D. H. Hildreth	W. F. Welch
J. Will Clay	S. L. Marshall	J. H. Williams
Nim R. Cobern	C. F. Montgomery	J. R. Zimmerman
John H. Durham	T. J. Moore	—20

Mr. Frost, of the Committee on Rules, called from the orders of the day, a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 82. An Act to punish derogatory statements affecting any bank, savings bank or trust company.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any person who shall wilfully and maliciously make, circulate, or transmit to another or others any false statement, rumor or suggestion, written, printed or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, savings bank or trust company doing business in this State, or who shall counsel, aid, procure, or induce, another to start, transmit or circulate any such statement or rumor shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred nor more than one thousand dollars or confined in the county jail not less than twenty nor more than one hundred days, or both so fined and imprisoned in the discretion of the court.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	J. B. Hiles	Sam L. Robertson
T. F. Bagby	D. H. Hildreth	Robert H. Scott
Joe F. Bosworth	S. L. Marshall	G. G. Speer
Hiram M. Brock	C. F. Montgomery	J. T. Tunis
John F. Ford	W. B. Moody	
Seldon R. Glenn	H. G. Overstreet	—16

Those who voted in the negative were—

W. W. Booles	Hite Huffaker	W. F. Welch
Nim R. Cobern	Mitchell Vincent	J. R. Zimmerman
		—6

Resolved, That the title of said bill be as aforesaid.

Mr. Frost, of the Committee on Rules, called from the orders of the day a bill which originated in the House of Representatives, of the following title, viz.:

H. B. 583. An Act providing transportation for County Road Engineer and committees of fiscal court and making automobile trucks a part of road equipment.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In all counties of the State levying a road tax amounting to over \$50,000, the Fiscal Court shall furnish the County Road Engineer with transportation in performing duties connected with the superintending, construction, repair and maintenance of the roads in the county. To this end the Fiscal Court may purchase or rent teams or auto-

mobiles, which may also be used by the County Judge or Committees of the Fiscal Court or Board of Commissioners for inspection of the roads and to determine recommendations on needed work and repairs.

§ 2. Automobile trucks may be considered part of road equipment in all counties, and the Fiscal Court may purchase same for the use of the county, as provided in Section 62, Chapter 110, Acts of 1912.

§ 3. Any other county may furnish the transportation provided for in Section 1 of this act, should the Fiscal Court so elect.

§ 4. This act shall be in effect upon its passage and approval by the Governor.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert Antle	Seldon R. Glenn	W. B. Moody
Charles Arnett	Webster Helm	H. G. Overstreet
W. W. Booles	J. B. Hiles	J. F. Porter
Joe F. Bosworth	D. H. Hildreth	Sam L. Robertson
Hiram M. Brock	C. Holman	W. F. Welch
Nim R. Cobern	Hite Huffaker	J. R. Zimmerman
W. A. Frost	Chas. H. Knight	

Those who voted in the negative were—

W. J. Bale

J. T. Tunis

—2

Resolved, That the title of said bill be as aforesaid.

Mr. Marshall, of the Committee on Rules, called from the orders of the day a bill, which originated in the House of Representatives, of the following title, viz.:

H. B. 444. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

The Senate then took up said bill for consideration.

Said bill reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 699, of Chapter 32, Kentucky Statutes, be and the same is hereby amended so that when amended the same will read as follows:

“No credit of any kind shall be allowed or given as a reduction of liabilities to any company transacting business in this State, for re-insurance made in companies not authorized to issue policies herein; and it shall be the duty of the Insurance Commissioner to require schedules of re-insurance to be filed by each company with its annual statement made to his department: Provided, that insurance companies duly authorized under the laws of this State upon filing a schedule of their re-insurance with companies not authorized to do business in this State, shall be entitled to proper credit and given proper reduction on their liabilities: Provided, further, that the company so re-insuring shall be first authorized to so re-insure by the Insurance Commissioner of this

State; Provided, further, that the companies so re-insuring shall pay into the State Treasury the two per cent tax on premiums as provided by law in the case of foreign companies authorized to do business in this State.

§ 2. This Act shall take effect from and after its passage.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill being dispensed with and the same being engrossed, the question was then taken on the passage of said bill and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Charles Arnett	Seldon R. Glenn	T. J. Moore
T. F. Bagby	Walker C. Hall	Dr. H. G. Sanders
Joe F. Bosworth	J. B. Hiles	Robert H. Scott
Hiram M. Brock	D. H. Hildreth	G. G. Speer
J. Will Clay	C. Holman	Mitchell Vincent
Nim R. Cobern	S. L. Marshall	J. H. Williams
John H. Durham	C. F. Montgomery	
John F. Ford	W. B. Moody	

—22

Those who voted in the negative were—

W. W. Booles	Chas. H. Knight	W. F. Welch
Hite Huffaker	J. T. Tunis	J. R. Zimmerman

—6

Resolved, That the title of said bill be as aforesaid.

Mr. Bale, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz.:

H. B. 265. An Act to amend sub-section 2, of Section 8, of an Act of the Commonwealth of Kentucky, entitled, "An Act relating to Husband and Wife and entitled, 'Husband and Wife,' " approved May 16, 1893, being Chapter 205, Session Acts of the Legislature of Kentucky, 1893, and also being sub-section 2, of Section 2103, Kentucky Statutes.

H. B. 320. An Act changing the time for the sessions of Circuit Courts of the Fourteenth Judicial District.

H. B. 13. An Act relating to the holding of circuit courts in counties having therein cities of the sixth class or larger, located within two miles of the geographical center of said county, and ten miles or more from the county seat thereof.

H. B. 279. An Act fixing the amount of the bonds of the Wardens of the Kentucky Penitentiary at Eddyville, and of the Kentucky Reformatory at Frankfort, Kentucky, and of the Deputy Wardens thereof.

H. B. 70. An Act to provide for extension of school term of common schools of Kentucky.

H. B. 86. An Act to provide for the search of premises in local option territory where intoxicating liquors are sold, or suspected of being sold, for the seizure of such intoxicating liquors, for the arrest of the person or persons in charge of such premises or intoxicating liquors and for the purpose of declaring such intoxicating liquors contraband and direct their confiscation and destruction.

H. B. 196. An Act to create and establish a system of public State Roads and to provide for the construction and maintenance thereof.

H. B. 229. An Act to amend Chapter 75, of the Acts of the General Assembly of 1912, assigning cities and towns of this Commonwealth to the class to which they belong.

H. B. 552. An Act appropriating money for the proper care of the State Capitol, Capitol grounds and Governor's Mansion.

H. B. 358. An Act to regulate the tax on inheritances and to amend Sections 4281j and 4281m, Kentucky Statutes, Carroll's 1909 Edition.

H. B. 342. An Act to regulate, license and govern use of motor vehicles.

H. B. 297. An Act to repeal Section 1379 of Kentucky Statutes, of 1909, relating to the working of prisoners on public works and roads and to substitute therefor.

H. B. 189. An Act to repeal an act entitled, "An Act relating to weights, measures, and balances and the appointment of an inspector of weights and measures for counties, being Chapter 90, Acts 1910."

H. B. 82. An Act to punish derogatory statements affecting any bank, savings bank or trust company.

H. B. 76. An Act to amend an act entitled, "An Act to provide for the nomination of candidates by political parties at primary elections and for placing the names of candidates on the ballots to be voted for at general elections, and prescrib-

ing penalties for the violation thereof," which act became a law March 5th, 1912.

H. B. 524. An Act to provide for the election of alumni trustees for State University, Lexington, Kentucky, and for the appointment of such alumni members on the Executive Committee of the University.

H. B. 583. An Act providing transportation for County Road Engineer and committees of fiscal court and making automobile trucks a part of road equipment.

H. B. 559. An Act declaring certain public roads a system of public highways and public works of the State of Kentucky.

H. B. 272. An Act relating to the certification of teachers and the inspection and accrediting of Kentucky Institutions of higher learning by the State Board of Education, and to provide for the recognition of certificates from other States by reciprocity.

H. Res. 25. Resolution for the benefit of Mrs. Ida Turley and T. T. Bryson and appropriating money for their benefit.

H. Res. 40. Resolution authorizing the acceptance of the offer of the Bronze Memorial Company, of Chicago, Illinois, to make Kentucky one hundred engraved bronze portraits of our distinguished dead.

H. Res. 39. Resolution authorizing the Auditor of Public Accounts to pay to A. E. Barret the sum of \$250.80 for teaching.

H. Res. 38. Resolution appropriating \$125.00 for the re-

pair of the monument of General Zachary Taylor, property of the Commonwealth of Kentucky.

H. Res. 36. Resolution for furnishing Kentucky Directories.

And found the same correctly enrolled.

Said bills and resolutions were then compared by the Clerks in open session of the Senate and found to be correctly enrolled. Thereupon the President affixed his signature thereto and they were delivered by the Clerk to the House of Representatives.

Mr. Hiles, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives, of the following titles, viz.:

H. B. 38. An Act relating to poll or capitation tax and providing for the collection of but one poll tax from citizens of cities of the third class.

H. B. 60. An Act to repeal and re-enact Section 4426, Article 6, Chapter 113, and Sections 4501 to 4503, inclusive, Article 2, Chapter 113, Kentucky Statutes, Carroll's Edition of 1909, relating to the examination and qualification of teachers, etc.

H. B. 280. An Act to amend Chapter 60, Session Acts of 1910, entitled, "An Act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State, and to increase the number of members of the Live Stock Sanitary Board, and to enlarge the powers

of said boards, and to amend Article 2, Chapter 5, of the Kentucky Statutes," relating to diseases of domestic animals.

H. B. 597. An Act to further regulate tobacco warehouse companies in the State of Kentucky.

H. B. 87. An Act relating to the equipment and regulation of hotels and restaurants, defining the same and relating to the inspection thereof, providing for penalties for violation of the provisions of this act.

H. B. 444. An Act to amend Section 699, Kentucky Statutes, relating to re-insurance in unauthorized companies.

H. B. 35. An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads within the boundaries of this State in part or in whole.

H. B. 109. An Act to amend an Act entitled, "An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of life and health and to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, and to provide a penalty for the violation thereof," which was approved March 22, 1904.

H. B. 473. An Act to amend and re-enact Section 3096 of the Kentucky Statutes relating to the improvement of streets, public ways and grounds and sidewalks in cities of the second class.

H. B. 258. An Act repealing Section 4217, of Kentucky Statutes, Carroll's Edition and amending Section 4224, Kentucky Statutes, Carroll's Edition, and providing for the license of certain classes of temporary or transient mer-

chants doing business in any county in this State, defining the same and the manner of issuing the license, regulating the advertising and representation of such merchants and providing penalties for the violation thereof.

H. B. 77. An Act to amend an Act entitled, "An Act for the government of cities of the fourth class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and as same, has since been amended, all of which said act and amendments, now appear in Article 5, of Chapter 89, of Kentucky Statutes, in John D. Carroll's Edition thereof, in 1909.

H. Res. 35. Resolution to authorize Honorable C. Holloway, late Major in Kentucky Medical Corps of the Kentucky State Guard, to sue the Commonwealth of Kentucky, in the Franklin Circuit Court for the balance due him for services rendered to two members of the militia.

H. Res. 32. Resolution for the benefit of Judge John T Hodge, of Newport, Campbell County, Kentucky.

H. Res. 30. Resolution appropriating \$131.83 to be paid to the State Journal Company for printing five thousand copies of Tax Commission Reports.

H. Res. 28. Resolution urging the members of Congress from Kentucky to use their influence towards having National Government accept property of Lincoln Farm Association.

And found same correctly enrolled.

Said bills and resolutions were then compared by the Clerks in open session of the Senate and found to be correctly enrolled. Thereupon the President affixed his signature

thereto and they were delivered by the Clerk to the House of Representatives.

Mr. Moody moved that the further consideration of bills be discontinued and a committee of three be appointed to notify the House that the Senate was about to adjourn and to wait upon the Governor and inform him that the General Assembly had completed its work and was ready to receive any further communication he might desire to transmit to the General Assembly.

Whereupon the President appointed Messrs. Moody, Durham and R. H. Scott.

A message was received from the House of Representatives by Messrs. Hamilton, L. Meriwether Smith and Griffin Kelly, a committee appointed from that body to act in conjunction with a similar committee on the part of the Senate to wait upon the Governor.

After a time Mr. Moody, of said committee, reported that the committee had performed that duty and that the Governor had no further communication to transmit.

Mr. Moody moved that the Senate adjourn sine die.

Said motion was agreed to.

And the Senate adjourned.

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